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SIR HUGH PALLISER, BART.

ADMIRAL OF THE WHITE.

My mind sees no medium between life with entire honour and death without; and I ardently wish that your judgment may be guided by the same alternative.

Palliser's defence.

THE LIFE

OF

SIR HUGH PALLISER, BART.

ADMIRAL OF THE WHITE,

AND

GOVERNOR OF GREENWICH HOSPITAL.

BY ROBERT M. HUNT, ESQ.

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LONDON:
CHAPMAN AND HALL, 186, STRAND.

1844.

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C. WHITING, BEAUFORT HOUSE, STRAND.

TO

SIR HUGH PALLISER PALLISER, BART.

THIS MEMOIR

IS GRATEFULLY AND AFFECTIONATELY

INSCRIBED BY HIS FRIEND,

THE AUTHOR.

Dunmore, May, 1844.

PREFACE.

NOTWITHSTANDING the brilliant victories which shed such unfading lustre on the British navy during the late war, that service has never been adorned with men more chivalrous, and no period of our national history is more replete with interest and with deeds of naval gallantry, than that in which Anson, Boscawen, Hawke, and Saunders crowned their country with military glory. It is hoped therefore, that the biography of one, who in his early professional career won the friendship of the former, and who shared in the principal achievements, and was the favourite officer of the latter hero at the siege and conquest of Quebec, may not prove unacceptable to the readers of this department of literature. But though any addition bearing the stamp of authenticity to the annals of a service upon which the British Empire mainly relies for safety

and defence, would probably meet with an indulgent reception, this memoir would not have been undertaken, if the unfounded calumnies which forced Palliser, in vindication of his own honour, to bring his commander-in-chief to trial, had not been studiously revived by the relative and biographer of Admiral Keppel, after their repose in judicious silence for more than half a century.

Keppel was chosen to command the western squadron —the chief defence of the kingdom—at a time when the threatened confederacy of France and Spain, and the revolt of our American colonies placed the safety of Great Britain in the utmost peril. A French fleet of unusual magnitude, was met off Brest by an English armament fully manned and equipped, equal to them at first, and greatly superior in metal on the day of battle, but after an indecisive action of a few hours' duration, the enemy were permitted to form their line unmolested, and to return to port unpursued, whereby a momentous opportunity was sacrificed of capturing or destroying the great marine force of France. The underhand attempt of the commander-in-chief, in conjunction with his officers, to father his own timid incompetency on Palliser, and to account for a phenomenon so new to the nation, by imputing the disgrace

of the day to his disobedience, was repelled with the indignant energy emanating from the consciousness of a strict performance of duty, and of having, together with his division of the fleet, borne the brunt of the battle: a judicial inquiry was demanded by him, and the facts—many of them for the first time now related—will enable the unbiassed, and particularly the professional reader, to judge to whom events as dishonourable to the British flag as unfortunate to the state, were attributable.

It has been the custom of the eulogists of Admiral Keppel to represent him as a party-persecuted man, and to maintain that the ministry, with a view of perverting justice, had taken an active part against him in the trials which ensued, but not a shadow of evidence can be adduced to confirm their assertions; for the same short-sighted spirit of compromise and futile conciliation, which led government to entrust the execution of their schemes to a man, who from his political predelictions, and his strong party feelings was too deeply imbued with the factious animosity of their opponents, to approve of them, led them to a passive participation in the endeavours of Keppel's many powerful friends, to shelter his faults by opposing public inquiry instead of promoting it, thus fixing upon Palliser

the invidious and painful responsibility of preferring charges of neglect of duty against his commander.

It was due to an officer so highly estimated as Palliser for ability and bravery during a distinguished service of four-and-forty years, and who had obtained, in an eminent degree, the esteem of his sovereign and the confidence of his country, that his conduct, and that of the commander-in-chief in the action off Brest, should be amply investigated; and it may not be considered irrelevant for his biographer to observe, that he is himself a seaman, therefore in some degree qualified to form an opinion on the facts, and to discuss the merits of the proceedings of both officers on that important occasion.

In addition to the family documents intrusted to him, the author was favoured by the Earl of Sandwich with several interesting papers from his valuable collection of manuscripts, together with the private letters of Palliser to his illustrious ancestor, then first lord of the admiralty. To the politeness of the Hon. Sydney Herbert, Secretary of the Admiralty, the author is indebted for having had access to the Admiralty Records; and he has gratefully to acknowledge the ready aid afforded him in his researches by Henry Bedford, Esq., keeper of the Records. His obligations are also par-

ticularly due to William Upcott, Esq., the possessor of one of the largest and rarest autograph collections in Europe, for the opportunity of referring to the Anson MSS. in his care, as well as to other original records; and he owes his acknowledgment to Sir Henry Ellis, and the officers of the British Museum, for much assistance and attention.

From such sources of accurate information, the writer has drawn his materials, and if he has done justice to an exalted character, and has succeeded in exhibiting the unfounded nature of the imputations which the fallacious statements of Keppel and his party gave birth to, and which were fostered by the intemperance and facile delusion of the times, truth will be triumphant, and his object perfectly attained.

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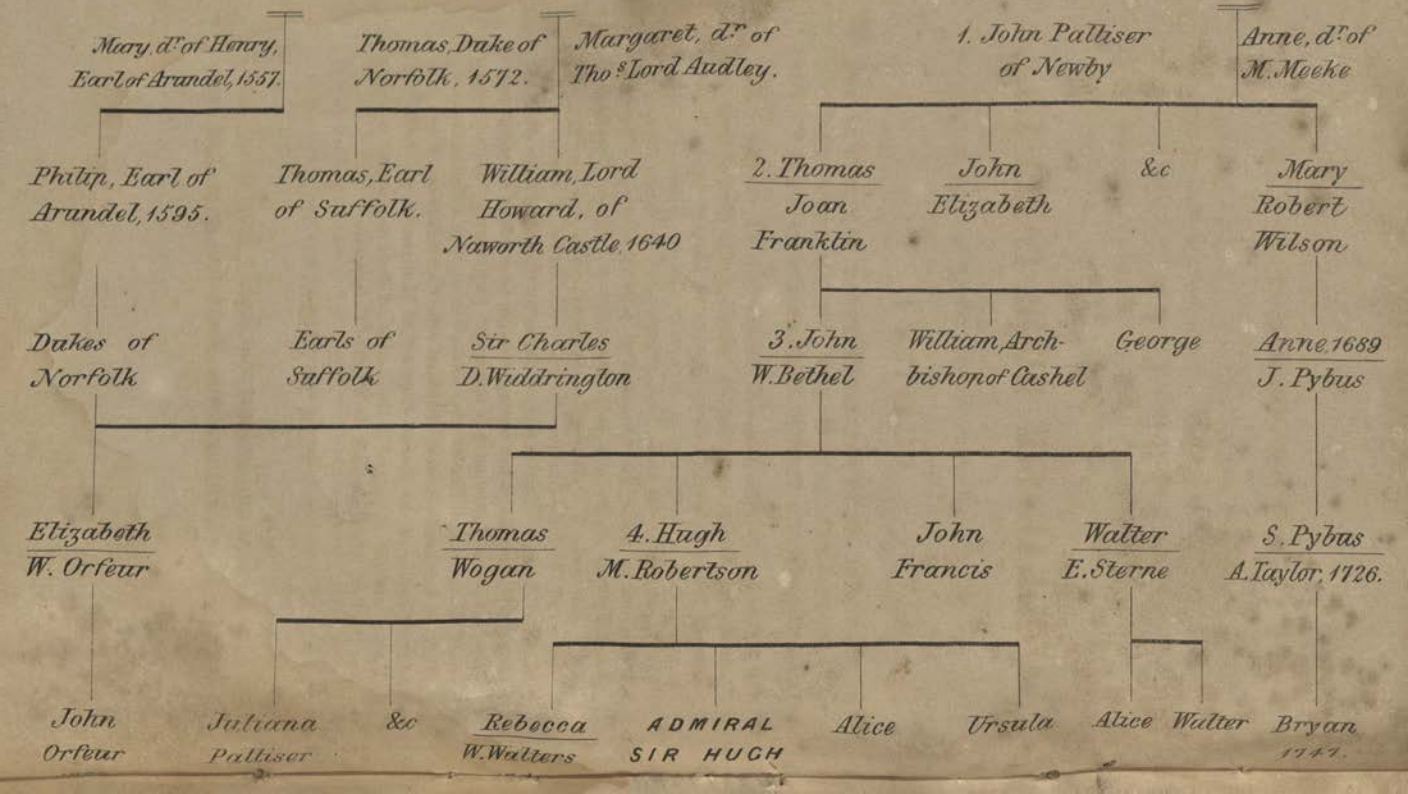

THE LIFE

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1734 to 1745.

THE ancient and respectable family from which Admiral Sir Hugh Palliser was descended, possessed con-

siderable estates in the northern part of Yorkshire, at a place named Newly Wisk. His father, the youngest son of a very numerous family, was a captain in the British army, and was severely wounded in the battle of Almanza. Two of his father's brothers were also in the army, distinguished themselves in the service of their country, were both wounded in battle, and died lieutenant-colonels.

The eldest brother, having nearly squandered the Yorkshire estate, sold it, and settled in Ireland, where he improved his fortune, and lived to the advanced age of one hundred years. By his will, the estates in Ireland, which the present baronet enjoys, were entailed on the admiral. The second brother, who was educated for the church, also settled in Ireland, was appointed to the archbishopric of Cashel, and on his death, at a venerable age, made considerable endowments on the college of Dublin.

Admiral Sir Hugh Palliser was born on the 26th of February, 1723; a few months after his birth he lost his father, and before he reached his second year was also deprived, by death, of his mother's care; and at the early age of eleven was sent to sea under the command and protection of a relative of his mother's, a captain in the navy. The wooden walls of Old England were then but a stern nursery—privations, hardships, and humbling duties, unknown to youths who enter the service in its present days of refinement and comparative ease, were the unalloyed accompaniments of a young sea-officer's education—formidable to the tenderness of aristocratic breeding, but offering those honours and distinctions as the reward of a career of services

and merit alone, which of late years have been bestowed without either, upon the sons of high family and nobility.

The family papers contain no information of the services of Palliser as a midshipman. However, having qualified himself, and passed the examination necessary to render him eligible for a commission, he was made a lieutenant in 1742, and had not attained his twenty-first year, when he was appointed first lieutenant of the Essex line-of-battle ship, then fitting out to join the squadron under the command of Admiral Mathews, stationed off Toulon, in which harbour the combined fleets of France and Spain had been for some time assembled.

The court of Madrid proposed that the confederate fleets should force their way out of the harbour of Toulon, and a private treaty was entered into, by which France was to be indemnified for any assistance she afforded Don Philip. It was likewise agreed upon, that if the combined fleets should destroy that of Mathews, they had nothing further to apprehend in the Mediterranean, and that they should immediately join the Brest fleet in forwarding a descent upon Great Britain. With this view, Roqueville put to sea before the rest of their expedition was ready, hoping to be joined by the combined fleets from Toulon, or at least by De Court's squadron, in case the affairs in Italy would not suffer the Spanish squadrons to leave that coast.

Admiral Mathews was then at the court of Turin, and concluding that the combined fleets would attempt to sail, despatched expresses for all the English ships

at Minorca, and at other places in the Mediterranean, to join him with the utmost expedition.

Early in the month of February, the British fleet had assembled; and the Diamond and Winchelsea being appointed to cruise off Toulon, and observe the motions of the French and Spanish fleets which lay with their topsails loose, ready for sea, made the signal at three o'clock in the afternoon, February 8th, that the confederate fleets were standing out to sea. The English admiral immediately made the signal to unmoor, when the whole fleet unmoored, and hove short. On the following morning, as soon as a breeze sprang up, the fleet weighed by signal, and formed in line of battle. Both the British and the enemies' fleets continued plying to windward the whole day, but the breeze dying away towards evening, the British fleet anchored again in the bay, and at six the next morning got under weigh; the enemy being then in a line of battle ahead, about five leagues distant.

The British and the combined forces of France and Spain, were as under:

BRITISH FLEET.

	Ships.	Guns.	Men.
Of the line	29	2150	15,915
Frigates	18	594	3,647
Total	47	2744	19,562

FRENCH AND SPANISH FLEETS.

	Ships.	Guns.	Men.
Of the line, French	16	1822	19,120
„ Spanish	12		
Frigate	1	200	1,400
Total	36	2022	20,520

The British van was commanded by Rear-admiral Rowley; the centre by Admiral Mathews, commander-in-chief; and the rear by Vice-admiral Lestock.

The French van was commanded by Commodore Gabaret; the centre, by Admiral De Court, commander-in-chief; and the rear by the Spanish admiral, Don Juan Navarro.

On the evening of the 10th, the British fleet again brought-to, and the wind having shifted during the night, it left the vice-admiral to windward, the rear-admiral to leeward of the centre, and the whole British fleet to windward of the enemy. At the dawn of day, the enemies' fleets were formed in a line to leeward with the utmost regularity and closeness. The British admiral, after making the signal to make sail and draw into line of battle ahead, made the signal for the commanders in the second and third post to make more sail, and at eleven the signal was made to engage the enemy; when the French and Spanish fleets showed their colours, which they had not done before, continuing in their well-formed line, and appearing to sail as well under their topsails as the British ships with every thing set.

About one o'clock, the Namur, the English admiral's ship, and his second ahead, the Marlborough, Captain Cornwall, bore down on the Spanish ship, the Real Philip, of 114 guns, and began the engagement with great spirit. At two o'clock, Rear-admiral Rowley got up near the French admiral, who poured in a broadside, and then the action commenced in that quarter.

Vice-admiral Lestock, whom the shift of wind during the night had left with his division some miles to windward, with every sail set it was possible to carry, was

unable to get up with the enemy, and to take any part in the engagement. The breeze was so light at the time, accompanied by a heavy swell, that the ships had scarcely steerage way. Admiral Mathews, after the battle had commenced, impatient at the supposed tardiness of the vice-admiral, despatched a lieutenant to communicate verbally his order to make more sail; when Lestock, pointing to his masts crowded with every stitch of canvass that could be spread, asked the admiral's lieutenant, what it was further possible for him to do?

In less than an hour after the beginning of the engagement, one of the Spanish ships bore away out of the line, and though fired into by some of the ships of the Spanish squadron, could not be brought back. The Marlborough's main and mizen-masts were shot away, and her gallant commander, Captain Cornwall, who shortly before lost both his legs by one shot, was crushed by the mizen-mast as it went by the board, and had just sufficient life to tell the agony he was in. The Real Philip's fire had become slack, but her seconds a-head and a-stern poured in their broadsides upon the crippled Marlborough, and though there were many ships near, not one attempted to get between her and the enemy. The Namur at the same time bore away, and the fire-ship, which had been ordered to steer right down upon the Real, blew up before she reached that ship, without doing any execution. The crew of the fire-ship had just shoved off in the boats, leaving the captain and lieutenant on board, and a few men with a boat alongside. But the destructive service she was called upon to perform, was prevented by

her sudden and fearful explosion. When last seen, she was bearing right down before the wind for the Spanish admiral, the first lieutenant at the helm, and the captain with a lighted match in his hand.

Soon after this misfortune—if the failure of the attempt to run a ship, loaded with combustible matter, alongside a gallant enemy, who had fought his ship nobly, against considerable odds, can be termed a misfortune—the British admiral hauled down the signal for battle, also the signal for the line of battle ahead, and made the signal to leave off chase. At this time the wind had shifted, and came more to the westward, when the French fleet tacked, and were endeavouring to hem in Rowley and his division, but soon afterwards sheered off.

The El Poder, a sixty-gun ship of six hundred men, in the van of the Spanish admiral, having for a considerable time received the fire of several of our ships, but at two great a distance to be effective, struck, after a gallant defence, to the Berwick, Captain Hawke, who engaged her within pistol-shot, and as her captain related, killed twenty-seven of her men, and dismounted seven of her lower-deck guns with the first broadside. She was taken possession of by the first and fourth lieutenants of Hawke's ship ; the first lieutenant, with his boat's crew, afterwards left her, and she was shortly retaken by the French, with the fourth lieutenant and seventeen men on board.

The British fleet plied to windward during the night ; there were no cruisers stationed to watch the motions of the enemy, and at daybreak the follow-

ing morning, Mathews and his squadron were five or six leagues to windward of the confederate fleets. The signal to bear down was then made, and though four of the Spanish ships appeared disabled, the British fleet was again brought to at night. On the morning of the 13th, Vice-admiral Lestock made signals for seeing twenty sail or upwards of the enemy's ships; notwithstanding which, with a fresh breeze and the weather gauge, the admiral made the signal to give over chase.

A month after this unsuccessful and disgraceful encounter with an enemy so greatly inferior in force, Admiral Mathews expressed dissatisfaction with the conduct of Lestock, and forwarded him a letter of suspension till his behaviour should be inquired into. Upon the receipt of this letter, Lestock immediately struck his flag, and returned to England in the Salisbury.

The situation of Lestock was at this time peculiarly severe and trying. He was, in the eyes of the disappointed and enraged public, the criminal cause of the failure of the late engagement, and resentment and prepossession against him were daily gathering ground. However, at his earnest entreaty, a court-martial was ordered to be held to try him, and he had time allowed him to bring his witnesses from the Mediterranean. The public thought this delay was only intended to ward off an inquiry, and to screen other great men as well as Lestock, and therefore a motion was made in the House of Commons on the 7th of May, 1745, "That they would grant a committee of the whole house, to inquire into the cause of the miscarriage of

the attack made in the Mediterranean, on the joint fleets of France and Spain, by the British fleet, which was superior in number of ships to them both."

Major Selwyn, in bringing forward this motion, said, "Although those who have the honour to serve by sea and land, may wear the livery of the crown, they are still but the servants of the state, and in that light their conduct, as well as their grievances, are within our cognizance, and every individual man of them may, accordingly, be rewarded or stigmatized by us, who are not only the grand council of the nation, but the grand inquest also. It is but a melancholy circumstance to reflect upon, that if the major part of our fleet in the Mediterranean had done their respective duties, or exerted themselves in any proportion with the honourable gentlemen who commanded, and his second, whose loss to this nation can never be too much lamented; in all probability, we had not yet been at war with France, for nothing is more plain and obvious to me, than that the French designed we should have destroyed the Spanish fleet; nay, they were surprised that thirteen of our ships of the line should be kept at bay by only five of the Spanish fleet, neglected, and in a manner deserted by their allies, for which neglect, though attended with no ill consequences, the French admiral was rebuked on his return home, by way of compliment to the Spanish court. If this miscarriage is not inquired into, I dread its consequences during the continuance of this war—a miscarriage that has brought disgrace upon the flag of England—that flag which never flew before upon the ocean, without carrying terror with it to every mari-

time power, but is now become the scoff and by-word of France, whose people shake their heads at it, and at this day they serve up the action off Toulon as a burlesque entertainment upon the several stages of their playhouses."

The motion was seconded by Mr. Cornwall, brother to the gallant captain of the Marlborough. "His duty to his country and his nearest and dearest relative compelled him," he observed, "to second the motion which the worthy gentleman behind him had so properly made; but he must call the day mentioned, cruel as well as dishonourable. There was not a man in the nation who did not know in his private capacity that there had been great misconduct, and very great cowardice, somewhere or other, in the commanders of the English squadron. Should not then our ministers themselves have laid the whole before parliament; but which of us in his public capacity has ever heard a word of it? More than twelve months ago, forty ships of England made with difficulty a drawn battle of it, against thirty ships of the combined fleets of France and Spain, yet the parliament of England is told nothing of it, nor has asked a single question concerning it. Therefore, for God's sake,—for the sake of common sense as well as justice and our own honour, let the inquiry be hastened."

Mr. Pelham said, "He did not rise to justify the conduct of our admirals and other officers concerned in the action off Toulon, nor would he be so unjust as to condemn any of them unheard. Whether our disappointment was owing to disobedience, cowardice, bad conduct, or accident, he would not take upon him to

determine ; nor did he think it a question proper for that house to inquire into. The motion now made he was sensible was a very popular one, but he had three very material objections to its being agreed to. In the first place he thought it would be an encroachment upon the prerogative of the crown ; in the second, it would be below the dignity of the house, because it would be descending to take upon it what properly belonged to their own inferior courts; and in the third, it would be a breach of one of the most equitable and known maxims of our constitution, that 'no man ought to be subject to two trials for one and the same act.' What he now said might seem strong to many gentlemen who might think that common sense and reason were sufficient to enable them to judge of a sea engagement, but if this motion were agreed to, and an inquiry entered upon, they would soon be convinced of the truth of what he said. Most of them, he believed, would find themselves in a labyrinth when they began to hear the evidence of our seamen upon this subject, and so far from understanding the matter, very few of them would understand the language. Therefore," he observed, "if we enter into the inquiry proposed, I think we should order a dictionary of sea terms to be composed, and such a number of copies to be printed, as may be sufficient for the members of the house. When we have done this,—when every member has made himself so much master of his dictionary as to understand the language of the witnesses, how shall we judge whether the orders given were proper or not, or whether it was possible to comply with them? If we trust to the opinions of witnesses we may depend upon

it, we shall find it to be so many men so many minds. How shall gentlemen who have never been at sea judge of two reasons, and by what rule shall we prefer the opinion of one seaman to another? Therefore, in the light I behold this motion at present, I cannot approve of it, but shall suspend my judgment till I hear what other gentlemen have to say upon the subject."

Mr. Cornwall, in reply, claimed credit for motives of duty more than curiosity in advocating this inquiry, though he did confess he should be extremely curious to know how a squadron of thirty French and Spanish ships came to escape from a British squadron of forty men-of-war, every way superior to them, without so much as having one ship either sunk, destroyed, or taken; nay, as they retook one of their ships, together with a lieutenant and some brave British sailors on board, it might properly be said that they took one ship from us, and carried the signs of victory triumphantly to Spain.

It was eventually resolved unanimously, "That it should be referred to a committee of the house to inquire into the cause of the miscarriage." However, notwithstanding that much pains had been taken, and much time consumed, the house only came to the following resolution: "That the British fleet, at the time of the engagement, was superior in force to the combined fleets of France and Spain; that the miscarriage in that action reflected on the honour of his majesty, and was highly detrimental to the common cause, and to the interests of the British nation. That there was reason to apprehend from the evidence laid before the committee, that this miscarriage was owing to mis-

conduct and misbehaviour in some of the commanders of the British fleet, and it was resolved to address his majesty that he would be most graciously pleased to give directions that courts-martial should be held in the most solemn and speedy manner to inquire into the conduct of Admiral Mathews, Vice-admiral Lestock, Captains Burrish, Norris, Williams, Ambrose, Frogmore, and Dilk, in relation to the late engagement.

The flagrant cowardice of Captain Richard Norris of the Essex was brought before the Lords Commissioners of the admiralty by the following letters and depositions of the officers of that ship:

To Vice-admiral Rowley.

"Essex,
"Port Mahon, Jan. 8th, 1744.

"Sir,

"We having this day heard a copy of a letter from you to Captain Norris publicly read to the ship's company, in which you signify to him that you have an order from the Right Honourable the Lords Commissioners of the Admiralty, to hold a court-martial to inquire into his conduct and behaviour in the engagement with the French and Spaniards, on the 11th of February. We think it incumbent on us, whose names are hereunto subscribed, to offer ourselves as witnesses, in order to do justice between our king and country and Captain Norris, at any time you please to appoint.

"Hugh Palliser, First Lieutenant.
"Hamilton Gore, Third Lieutenant.
"Joseph Peyton, Fourth Lieutenant.
"Joseph Myers, Master.
"William Sutherland, Lieutenant, Marines."

Ten midshipmen of the ship also subscribed their names to this document.

The Deputy-Judge-Advocate was authorised to take the sworn depositions of the officers of the Essex touching the conduct of Captain Norris.

Hugh Palliser, First Lieutenant of his Majesty's ship Essex, deposed: "That on Saturday, the 11th of February last, from the time the admiral made the signal to engage till sunset, the Essex was never within gunshot of the enemy, for she hauled out of the line of battle when the Namur began the engagement, and then lay to windward at least a gun-shot of the line."

He further deposed: "That they began to fire when the admiral did, but he, judging they were too far off, came up on the quarterdeck to inform the captain thereof, who would not allow him time to speak, but ordered him forward, saying, 'For God's sake, Palliser, go forward and help them to trim the head sails.' (The ship being then luffed in the wind, and nearly a-back.) When he returned again on the quarterdeck he was ordered down by the captain, who said to him as he was offering to speak, 'Go down to your quarters, sir,' which he accordingly did, and found that by their having luffed so much, none of the starboard guns could be brought to bear on the enemy; upon which, a mate came down with orders to him to cease firing, and to point the metal aft. He also observed, that by luffing they brought the Dorsetshire to bear in the same manner as the enemy's ship, so that some of the men mistook her for an enemy and fired at her, till the smoke cleared away, when they discovered her blue ensign.

"In a short time after this, he was sent for by the

captain to ask his advice, whether it was not better to stay where they were than to bear down, where there were five fresh ships of the enemy coming up. After desiring a little time to look round him and to observe, he answered, 'That if they did not go down to the assistance of the Marlborough, which had then lost her masts, she would certainly be destroyed or taken by the five ships.'

"Looking about him again, he perceived the fire-ship going down towards the Spanish admiral's ship, the Real Philip, and represented to the captain the improbability of her ever doing any execution, if some ship did not go down to cover her from that ship's fire, the shot from which at the time flew very thick about her. This he frequently repeated, to which Captain Norris as often replied, 'We must not go down; if we do, we shall be sunk or torn to pieces.' He then represented to the captain, that if they would only bear down on the Real as the Dorsetshire did, they should do execution upon her, as she was going off in a disabled condition; but to this he made no answer, but seemed displeased.

"Some time after, Mr. Bentley, one of the admiral's lieutenants, came under their stern, and told Captain Norris, that if he did not bear down to the assistance of the Marlborough, she would be lost; to which he made no direct answer, but said he should be torn to pieces. He himself then said to Mr. Bentley, that Captain Norris seemed to be afraid that the five fresh ships would be too much for us; to which Mr. Bentley replied, 'That he had been on board the Dorsetshire, which was filling powder and going down.' When

Mr. Bentley went away, the captain whispered to him, that Mr. Bentley did not say it was the admiral's orders to bear down; to which he answered, 'I hope the admiral is not killed.'

"After the fire-ship blew up, they bore away a little, and he then went to the captain to ask him whether he should go down and try a single shot; to which the captain answered, 'Do, Palliser.' Upon the firing of one gun, the people were so eager, that they fired several, when he received a message from Captain Norris, at his peril to fire no more, for the shot fell short. After this, with the captain's leave, he fired two shots, both of which he himself saw fall short. At this distance they kept from the enemy till sunset, when the admiral wore, and they followed him, firing upon the enemy as they passed them, which was the only time they were near enough to do execution."

He further declared: "That for the whole day the captain never endeavoured to cheer or encourage the petty officers and seamen to do their duty, but on the contrary, appeared with a downcast countenance, often crying with a sigh, 'I wish it was over.'

"Sworn before the Judge-Advocate, on board his Majesty's ship Essex, January 18th, 1744."

Joseph Myers, Master of the Essex, deposed:— "That on the morning of the 11th of February last, after the admiral had made the signal to engage, Captain Norris showed all the signs of the utmost fear and dejection; and that when deponent was singing the famous Ninety-second, the Captain said, 'It will be all over with us presently, we shall have no reason to sing;' and then he walked about sighing, and showing

in his face the greatest confusion ; and notwithstanding that an officer came from the admiral with directions to keep the line as close as possible, yet after the action began till sunset, he never was in the line."

He further deposed :—" That after the admiral began the engagement, Captain Norris said to him, ' There will be the Dorsetshire and ourselves for that ship astern of the Real ;' to which he replied, ' The devil's in it if we are not enough for her ourselves.' Then the captain edged down a little, and began to fire, but shortly after sprung his luff ; when, seeing that the shot fell short, he told the captain it was throwing powder and shot overboard to fire at her any longer at such a distance, and would answer no purpose; and upon telling him so a second time, he ordered all firing to cease, and then lay a considerable way to windward of his station. When they had remained thus for some time, the captain ordered a gun to be laid down, and seeing it did not reach, tried a second, but to no purpose, for they both fell short. Upon seeing the fire-ship bearing down, the captain sent for Mr. Palliser, to advise with him, who, after he had looked about him, answered, ' That if they did not go down to cover the fire-ship, she must be sunk by the enemy's fire.' ' Upon which Captain Norris turned away.

" Towards the close of the evening, when the admiral wore down among the enemy, the captain ordered him to tack; to which he said, ' Tack, sir! the ship will not stay—we must wear after the admiral;' when he ordered the helm a-weather. As soon as the

ship was wore round and the yards braced, he turned himself to the men at the guns, who continued firing till they passed the enemy, when he went across to the captain in the starboard gangway, and told him all the enemy's shot fell short of them."

He further deposed:—"That during the time they were running past the enemy, he never saw the captain on the quarterdeck, but always in the starboard gangway, crouching under the hammocks.

"Sworn to on board his Majesty's ship, Essex, before the Judge-Advocate, January 18th, 1744."

The other officers of the Essex, and several of the petty officers, made depositions of a similar nature, as to the timidity of Captain Norris. Lieutenant-colonel Crosbie and a lieutenant of marines alone, bore testimony in favour of his behaviour during the action. However, Captain Norris, who was permitted by Admiral Mathews to quit his ship at Port Mahon, never ventured to appear and take his trial, and was struck off the list of captains.

A court-martial assembled on board the Prince of Orange for the trial of Admiral Mathews: "Charged with breach of duty when in command of his Majesty's fleet in the Mediterranean." After a long investigation, the court resolved unanimously: "That the admiral made the signal for the vice-admiral and his division to leave off chase on the 13th of February, when the enemy was in sight to leeward; and, that he was the principal cause, by divers breaches of duty, of the miscarriage of his Majesty's fleet in the Mediterranean in February, 1744, and adjudged him to be cashiered and

rendered incapable of any employment in his Majesty's service."*

A court-martial was also assembled on board the same ship for the trial of Vice-admiral Lestock. The vice-admiral was charged with bringing-to, too far to windward of the admiral on the night of the 10th, and with not making sufficient sail to get into his station on the 11th, by which the ships of his division took no part in the engagement. The sittings of the court extended from the 12th of March to the 3d of June, when the resolutions come to, unanimously were: "That Vice-admiral Lestock brought-to on the evening of the 10th, in conformity with the admiral's signal to bring-to, and that most of the witnesses in support of the charge, and all who appeared on the prisoner's defence, declared that it was impossible for the vice-admiral to join the admiral and close the line, before the signal to leave off chase was made in the evening. And even most of the remaining witnesses have proved that declaration by circumstances.

"That it did not appear that the vice-admiral was a principal or any part of the cause of the miscarriage of his Majesty's fleet in the Mediterranean: that if the vice-admiral and his whole division had been absolutely away, and the four sternmost ships of the enemy (who were of no service to the enemy in the engagement) had also been excluded, the rest of his Majesty's fleet would have still remained superior to the rest of the combined fleets. That the vice-admiral continued in his command during the whole month of February,

* Court-martial on Admiral Mathews.

and was distinguished by a particular mark of trust and confidence the day after all these accusations were laid to his charge, being ordered to lead with his Majesty's fleet, in case of coming to an engagement with the enemy on either tack, and it is therefore to be presumed that the admiral did not then think him guilty of these notorious breaches of duty. That the information upon which the charge is grounded appears to be frivolous, absurd, and not true; that a great number of witnesses brought in its support, and also in the prisoner's defence, fully refute the whole and every part, and the court do unanimously acquit the prisoner of the whole and every part of the charge brought against him, and he is hereby honourably acquitted."*

Lieutenant Palliser was one of the witnesses called upon in support of the charge against Lestock, who in commenting on the evidence in his defence in allusion to some part of Palliser's, remarked, "This gentleman has given his evidence so clearly, and with so much judgment in every other part of his examination, that it gives me a good deal of pain to mention the mistake he had, I dare say, inadvertently fallen into, but I think I am under the necessity of doing so, that the prosecutors may have no cause to say I was so unfair as to state the facts he had said for me and not those against me."†

Walpole remarks, writing after the parliamentary inquiry, and previously to the courts-martial being held, "The House of Commons have at last finished their great affair—their inquiry into the Mediterranean

* Minutes of court-martial on Vice-admiral Lestock.
† Lestock's defence.

miscarriage. It was carried on with more decency and impartiality than ever was known in so tumultuous, popular, and partial a court. I can't say it ended so, for the tories, all but one single man, voted against Mathews, whom they have not forgiven for lately opposing one of their friends in Monmouthshire, and for carrying his election. The greater part of the whigs are for Lestock: this last is a great man; his cause, most unfriended, came before the house with all the odium that could be laid upon a man standing in the light of having betrayed his country. His merits, I mean his parts, prevailed, and have set him in a very advantageous point of view. Harry Fox has gained the greatest honour by his assiduity and capacity in this affair. Mathews remains in the light of a hot, brave, imperious, dull, confused fellow. The question was to address the king to appoint a trial by court-martial of the two admirals and the four coward captains. Mathews' friends were for leaving out his name, but after a very long debate were only seventy-six to two hundred and eighteen. It is generally supposed that the two admirals will be acquitted, and the four captains hanged. By what I can make out (for you know I have been confined, and could not attend the examination) Lestock preferred his safety to the glory of his country; I don't mean cowardly, for he is unquestionably brave, but selfish. Having to do with a man who he knew would take the slightest opportunity to ruin him if he in the least transgressed his orders, and knowing that man too dull to give right orders, he chose to stick to the letter, when by

neglecting it he might have done the greatest service."*

In a life of Admiral Keppel lately published, his biographer, adverting to this action, observes, "That though not immediately connected with the subject of his memoir, the engagement by its results exercised so baneful an influence upon the naval battles of the ensuing thirty-eight years, including that fought by Keppel in 1778, that a brief notice of the action and its consequences will not be out of place. Nor for another reason should the matter pass without notice, inasmuch as the treatment Mathews received so nearly resembles that experienced by Keppel, each as commander-in-chief having been brought to a court-martial to screen the conduct of an inferior officer."†

The writer of this memoir ventures to entertain opinions, drawn from the facts developed upon the trials of both these officers, widely different from those of the author above quoted. The indecisive results of both actions, as well as the conduct of both commanders, bear a strong resemblance to each other, it is true. In the engagement off Brest, Keppel, like Mathews, blundered into action with an enemy formed in regular order of battle, without any order or concerted plan of his own, and like Mathews exhausted his bravery in the first encounter, for both admirals drew off their fleets, appointed no frigates to watch the motions of their opponents, and though on both events the enemy was inferior to them in numbers and in force, yet when seen to leeward after

* Walpole's Letters. Vol. ii, p. 26.

† The Life of Keppel, by the Hon. and Rev. Thos. Keppel. Vol. i., p. 72.

the battles, neither of the English admirals attempted to bear down upon them, and they were allowed to depart unmolested, and to boast, certainly not without a plausible foundation, of having been the victors.

The cases of Vice-admirals Lestock and Palliser on the occasions in question, are parallel in almost every feature : the failure in both instances was imputed to them by whispered calumnies and by anonymous publications, and both had to contend with popular odium, till inquiry by courts-martial, and by public discussion, brought the truth to light. The disobedience imputed to them, namely, of not keeping near enough to their respective commanders, originated in the same cause, and bore a resemblance in each instance, with these differences—that Mathews outsailed his vice-admiral in bearing down on the enemy to begin the engagement, whilst Keppel outsailed his, in standing from them after the encounter, and that Lestock was unable to get into action, whilst Palliser fought his ship with his mizen-topsail aback down the whole French line ; and though rendered almost a perfect wreck by the fire of so many ships, turned to renew the battle, which his commander had made the general signal to discontinue.

The parallel between the chiefs, otherwise nearly perfect, ends with the sentences of the courts-martial held upon them. Mathews, as already related, was dismissed the service, whilst Keppel was honourably acquitted ; and the readers of naval history are left to wonder at decisions of so opposite a nature, in connexion with acts and their results, in almost every degree similar.

Mathews undoubtedly rushed gallantly into action; but as personal intrepidity in a commander-in-chief is at best but a vulgar, although an indispensable qualification; and as the admiral did not demonstrate by his conduct the possession of a higher one, and by his avoiding another engagement, not even a constant command of that, the sentence must be deemed a just one, which excluded him from the possibility of again tarnishing the flag of his country in a naval battle.

CHAPTER II.

SERVICE IN THE CHANNEL—WEST INDIES AND NORTH AMERICA—TRIAL AND EXECUTION OF ADMIRAL BYNG.

Palliser promoted to the Rank of Commander—Cruises in the Channel—Captures Four French Privateers—Promoted to the Rank of Post-captain—Joins Commodore Legge's Squadron on the West-India Station—Cruises off Martinico—Explosion of the Arms in the Arms-chest—Palliser has Three Balls lodged in different Parts of his Body—Letters from Commodore Pocock and Palliser to Lord Anson—Palliser returns to England—Despatched with Intelligence of Peace to Admiral Boscawen, Commanding in the East Indies—Service on the Coast of Scotland—State of Europe—Origin of the Seven Years' War—Alliance of Austria, France, and Russia—Disturbances in Canada—Braddock's Expedition—Palliser and Keppel engaged in the Expedition—Keppel returns to England in the Sea-Horse, Commanded by Palliser—Admiral Byng's Action off Minorca—His Trial and Condemnation—His Judges seek to be Released from their Oath of Secresy—The Conduct of Keppel on that Occasion.

1746 to 1767.

THE conduct of Lieutenant Palliser in the unfortunate action off Toulon, and in connexion with the proceedings resulting from it, was so satisfactory to the authorities at the Admiralty, that on the 4th of July, 1746, he was promoted to the rank of commander, and appointed to the Weazle sloop, with orders to cruise between the Isle of Wight and Beachy Head, for the protection of coasters, which were con-

tinually harassed by the privateers and other active craft of our opposite enemy.

Whilst engaged in this service, which required unceasing vigilance and exertion, he, in a short time, captured four French privateers, and carried them all into Portsmouth.

The following is a gazetted account of two of those captures :

"Admiralty Office, Oct. 14.

" Captain Palliser, in his Majesty's sloop the Weazle, being on a cruise off the Isle of Wight on the 8th instant, at ten in the morning, saw a shallop, which he gave chase to, and at once came up with her and took her. She was called the Jeanette, a French privateer, belonging to Boulogne, mounting six carriage-guns and six swivel-guns; she had forty-eight men on board, and was commanded by Amboine Collert.

" When Captain Palliser had shifted the prisoners, he gave chase to another vessel, and at dark came up with her and took her. She was called the Fortune, a French privateer of Honfleur, mounting ten carriage and ten swivel-guns, and had ninety-five fighting men on board, commanded by John Gilliere. Both prizes were brought into port."

These captures led immediately to further promotion, and on the 25th of November following, Palliser was made a post-captain, and appointed to the Captain, a ship of seventy guns.

The Captain was Commodore Legge's ship, who was then appointed commander-in-chief at the Leeward Islands. The command of the Captain was in-

tended for Captain Hervey, afterwards Earl of Bristol; but as he had not served at sea as master and commander, the rules of the service at that time did not admit of his promotion to the command.

On the death of Commodore Legge at Barbadoes, Captain Palliser moved in October, 1747, into the Sutherland, a ship of fifty guns. By this step, not required by the usages of the service, but which was taken, in order that the senior captain on the station (captain, afterwards Sir George Pocock), should be in the best and largest ship, Palliser was thrown out of an opportunity of making a fortune.

The Sutherland had lately been dismasted in a hurricane, and was being refitted, when the Weazle sloop, despatched by Admiral Hawke, arrived with information that the admiral had fallen in with a large French convoy for the West Indies; had taken nearly all their men-of-war, and dispersed their merchant-ships.

Commodore Pocock was cruising with part of his squadron off the Island of Martinico—the rest of his fleet being dispersed on different services—when this intelligence reached him, which was not sufficiently early to afford him time to collect his ships in a situation best calculated for intercepting so large a fleet as that approaching. The captures, however, were numerous: five of the ships bound for St. Domingo were taken, and of those which were going to Martinico and the other islands; eight became prizes to the Captain, Palliser's late ship, the cargoes of which were valued at 100,000*l*. Fifteen other sail of merchant-ships, and many of the enemy's privateers were also taken.

The Sutherland was not ready for sea when the squadron to which she belonged was thus actively and profitably engaged, but shortly afterwards she proceeded on a cruise to leeward of Martinico, and her supply of water falling short, steered for Prince Rupert's bay in the island of St. Domingo. As that part of the island was then inhabited only by the native savages, and straggling parties of French, the watering of a British ship was a duty of some danger to those engaged in it. In order to protect the watering-party, a body of marines were ordered under arms for landing. Whilst the ship's armourers were engaged in taking arms for the party out of the arms-chest, which was filled with cartouch-boxes and loaded muskets, by some unfortunate negligence, one of the muskets struck fire, which was communicated to the cartouch-boxes, and occasioned all the arms to explode. The armourer and his mate were killed on the spot, and Captain Palliser, who was seated at the time on a gun at the opposite side of the quarterdeck, had three bullets at the same instant lodged in different parts of his body. One entered his left shoulder, another his left hip, and one passed completely through him, entering at the left side of his back, and which was extracted from the right groin. His recovery was for a long time hopeless, as a wasting fever supervened, but youth and a vigorous constitution at length conquered, and in a few months he was enabled to return to England as a passenger in the Dreadnought.

Mr. Upcott has kindly furnished the author with the two following letters from Commodore Pocock and Captain Palliser to Lord Anson relating to the accident.

Commodore Pocock to Lord Anson.

"Sutherland, Antigua,
"May 24th, 1748.

"My Lord,

"I was sorry to hear your lordship had been indisposed, and hope now your health is entirely re-established. I have been looking up the French at Martinico since the 17th of last December in the best manner I was able. The India ships, I believe, must careen before they depart, the sheathing of three of them being quite cut off. The Achilles was sheathed with a particular sort of wood, which the worms do not care to touch, but I was informed by the captain of her, that they had begun to nibble. Several of the other ships have been under the necessity of pushing out, occasioned by their long stay, and the excessive dearness of all sorts of provisions, especially wine and flour. Mr. Osborne joined me on the 1st instant, and when we arrived in English harbour, I wished to return into my former ship; accordingly, the admiral appointed me, as Captain Palliser had been compelled to resign for his health, not being recovered from the severe wounds he has received, and is to proceed with me to England with the convoy which sails in June, when I shall have the honour of saluting your lordship. In the meantime I rest with the most perfect esteem and respect,

"Your lordship's most humble,
"And obedient servant,
"G. Pocock."

Captain Palliser to Lord Anson.

"Antigua,
"May 28th, 1748.

"My Lord,

"After such extraordinary favours as I have had from you, it is very probable that you may be greatly surprised to hear of my being now without a ship, I therefore cannot omit this opportunity of acquainting your lordship with it, and the occasion thereof. I took the liberty some time ago of informing you of my having moved into the Sutherland, since which, by an accident, in February last, of the arms-chest catching fire, I had the misfortune of being wounded by a shot in my right shoulder, and another which passed directly through my body, which has taken away the use of my legs, and has left me at present incapable of serving. Upon Admiral Osborne's arrival, he acquainted me that I must not continue in command of the Sutherland, but should immediately proceed in the Tilbury to Jamaica with the convoy, and not being in a condition to comply with this order, I was under the necessity of quitting. The fever having now left me, I begin to gather strength, and hope to be able to embark in the next convoy for England, Admiral Osborne having been pleased to give me leave to go as a passenger in the Sutherland. The great sense of the singular favours which I have constantly received from your lordship, made me not a little cautious of incurring your lordship's displeasure; it was therefore with great regret that I asked leave to quit, knowing how improper a thing it is, and how much the board disap-

prove of such an act, without very sufficient cause; and the misfortune which has befallen me will I trust be esteemed so.

"If I am never able to serve again, I shall always remember, and to my last day remain most sincerely thankful for the many favours already received from your lordship.

"I am with greatest respect,
"Your most obedient servant,
"HUGH PALLISER."

On the return of Captain Palliser to England, he was commissioned for the Sheerness frigate. A treaty of peace, usually termed the treaty of Aix-la-Chapelle, the basis of which was a restitution of the conquests made on both sides during the war, as well as a release of prisoners, speedily followed the success of our naval arms against those of France and Spain, more particularly in the general engagements during the previous year; when the fleet under the command of Vice-admiral Anson, captured six men-of-war and four armed Indiamen, and when a detached squadron, under Admiral Warren, picked up three sloops, of twenty guns each, together with the remainder of the India ships, containing treasure to the amount of upwards of 300,000*l.*,* which was conveyed by twenty waggons to the Bank, in a procession consisting of several thousand persons. The fleet under the command of Hawke also dispersed the West India convoy, took six ships of the enemy's line, and brought them into Portsmouth.

* Barrow's Life of Anson.

On the ratification of this treaty, Captain Palliser was sent express in the Sheerness frigate to Admiral Boscawen, in command on the East-India station, carrying the proclamation of peace, and the French king's orders to his governer of Madras, to surrender that place to the admiral, who, after taking possession, returned to England.

Palliser continued in command of the Sheerness till 1750, when she was paid off at Deptford, and we do not find him again employed until 1753, when he was commissioned for the Yarmouth, a guard-ship lying at Chatham.

Shortly after his appointment, intelligence reached government that the rebels who had fled to France, after the rash and unsuccessful attempt of the young Pretender, in 1745, to recover the throne of his ancestors—were forming schemes in concert with the court of France, for returning secretly to Scotland, in order to foment fresh disturbances in that country, where the cause of the young Prince Charles Edward had still many enthusiastic adherents. Captain Palliser was selected to be sent on the service of intercepting them, and, accordingly, was placed in command of the Sea-Horse, a twenty-gun ship, and was furnished with all the necessary instructions for the prevention of the contemplated expedition from France.

This service not only gained him the ill-will of the disaffected, but brought him in contact also with the numerous smugglers on that coast, to whom his activity had rendered him so obnoxious, that many artifices were concerted to interrupt and embarrass him.

He had received orders to enter as many volunteers

as should offer themselves, and several entreaties were made him by parents, wives, and relations, to press men who were represented to be abandoned characters, who treated their families ill, and whose conduct would be benefited by the discipline of a king's cruiser. However, having no orders to press, he rejected all such proposals, and avoided the snares laid for him in that direction.

The device of a forged indenture was at length resorted to, and the captain was at last over-reached and led into a disagreeable dilemma. A young man presented himself as a volunteer, and had scarcely been received on board when he was claimed by the master of a merchant ship as his apprentice. This claim Captain Palliser resisted, as the young man himself denied having ever been bound apprentice, and asserted that the indenture was a forgery. Moreover, as he was of age, if even he had been bound an apprentice, he was then legally free to enter the king's service. The judge of the Vice-admiralty court of Scotland was engaged however, to proceed against Palliser for entering him, and a warrant was made out to take the man from his Majesty's ship; this was resisted on the part of the captain, who maintained his right to receive and detain him till he should have orders on the subject from the Lords of the Admiralty, and when he next went on shore he was arrested, and imprisoned in the Talbooth gaol for some days; but the Lords of the Session eventually interposed their authority, and released him from the disagreeable quarters his cunning friends had provided for him. The master of the merchantman fled the country to avoid the im-

pending prosecution for having forged the indenture, and the Sea-Horse was, in a short time afterwards, recalled from the coast of Scotland to be employed in services more congenial to the active mind of her commander.*

Before Captain Palliser had been sent on this unpleasant mission to the coast of Scotland, a change to some extent had taken place in the administration. "It might have seemed to one," Lord John Russell observes, "who did not know the interior of the court and the cabinet, that at the end of the year 1750 the political sky was remarkably serene: a costly and sanguinary war had been terminated by a peace honourable to both parties, and the remaining causes of dissension were amicably arranged. The treaty of commerce with Spain, and the settlement of the affairs of Sweden, dispelled the lingering clouds which, from opposite quarters, portended further tempests. The ministry which had driven the Pretender from Derby to Culloden, from Culloden to Avignon, and from Avignon to Rome, which comprised in its ranks nearly all the influence of the Whig leaders, and all the talent of the rising statesmen of the day, which after great efforts against the united power of France and Spain, prepared in the flourishing state of public credit to reduce the interest of the national debt to three per cent., might seem to the world strong and secure, but internal dissensions were hid under the smooth surface."† The Duke of Bedford resigned the seals, and the Admiralty, by the dismissal of Lord Sandwich, was de-

* Palliser's Journal.

† The Correspondence of John, Fourth Duke of Bedford. Vol. ii., p. 78.

prived of the services of one of the most talented and able men that ever presided at the head of the naval affairs of Great Britain.

The practical knowledge and business habits of Lord Anson, who was appointed first lord on his removal, supplied the place of the master intellect of Sandwich, as far as such qualifications extended, and as both were guided by the principle of bestowing those appointments of honour and distinction within their patronage upon men who by services and merit were alone entitled to them, England stands indebted to their discrimination for many names, which adorn the pages of her naval history. On this change taking place Admirals Boscawen and Rowley received their appointments as Lords of the Admiralty.

The treaty of Aix-la-Chapelle afforded little more than an uneasy respite to the intriguing statesmen of the different courts of Europe, and to the restless bands of warriors who had not been called upon to disarm. Enterprises, having in themselves objects of attainment perfectly distinct from each other, plunged the continent of Europe, and the possessions of England and France on the opposite shores of the Atlantic, into the many sanguinary conflicts of the memorable Seven Years' War.

By the treaties of Breslau, in 1742, and of Dresden, in December, 1745, Maria Theresa of Austria ceded six principalities of Silesia and the duchy of Glatz, to Frederick II., King of Prussia. The loss of those territories was too important and humbling to that empress to exclude an anxious desire for their restoration to the Austrian dominions; she therefore united herself with

Elizabeth, Empress of Russia, the personal enemy of Frederick II., enlisted the King of Poland and the Elector of Saxony in her cause, and in pursuance of her plan, succeeded in accomplishing an alliance with France, notwithstanding the enmity that for centuries had existed between Austria and that kingdom.

This union of France and Austria, so improbable from the many conflicting interests of both kingdoms, filled Europe with astonishment; for notwithstanding the irritation of France at the alliance recently entered into between England and Prussia, and although the Austrian ambassador at Paris had some years previously urged the court of Versailles to an union with that of Vienna, still France was not seriously disposed to overwhelm the Prussian monarch. Her chief designs were directed against England, and as an invasion of Hanover would engage a large British force in the protection of that kingdom, and facilitate the enterprises of France against our settlements in America, this alliance was embraced in order to enable a French army to march through Germany.

France promised the Austrian empress 24,000 auxiliary troops, which from various causes arising out of the events of the war, were afterwards augmented to 180,000.*

The measures concocted with so much secresy and zeal between the courts of Austria, Russia, and Saxony, to crush the Prussian monarch, were defeated by one of the cabinet council, who made disclosures of their concerted plans of operation, and placed in the hands of the Prussian ambassador at Dresden, a chest

* Geschichte des Siebenjährigen Krieges. J. W. Von Archenholtz.

containing all the secret despatches. Frederick resolved to anticipate his enemies, and his proceedings were marked with rapidity and decision. He marched at once, at the head of an army of 60,000 men, into Saxony, possessed himself of the electorate, seized the revenues, suspended the government, and appointed a governor, to whom he ordered implicit obedience. The palace of the Queen of Poland at Dresden was entered, and that at the same time that Frederick sent her every assurance of his friendship, necessity and his own safety compelled him to demand the key of a certain closet, but the queen placed her back against the door, and declared to the officer who made the demand, that it should only be by depriving her of life that he entered there. This officer threw himself on his knees before the queen, entreated her to consider that his monarch's commands must be obeyed, and that if she persisted in refusing him admission he should be compelled to use force. At length the closet was opened, and Frederick obtained possession of the wished-for papers. But we turn from the extraordinary achievements of this warlike and literary monarch, who for years contended single-handed against the united forces of several powerful kingdoms, to events more immediately connected with England's participation in the Seven Years' War.

Whilst Maria Theresa was occupied in promoting this confederacy of so many princes against our ally the King of Prussia, disagreements between the British colonists in America and those of France, were daily augmenting, and at length, in 1754, broke out into an open rupture.

The attacks of the Indians and the encroachments of the French upon our American possessions, had latterly been of so harassing and determined a nature, that a plan for the union of the various colonies for mutual protection was drawn up by Franklin, but rejected by the British ministry, from a dread, it would seem, of sanctioning any proceeding, even for the common defence, that might assume an appearance of independence, and cause the Americans to become acquainted with their own strength.

The French colonists of Canada and of the valley of the Mississipi, had made such advances into the territory of Virginia,—which were protested against in vain,—that the British government was resolved, notwithstanding the professed amity existing between France and England, to interfere in a decisive manner, and General Braddock was appointed to the command of an army to be sent to Virginia, for the purpose of driving the French from their encroachments within the boundaries of that province.

Commodore Keppel, with two ships of sixty guns each, and some frigates, was appointed to the naval command on the American station, and Captain Palliser was ordered to the Nore, conveying with him in the Sea-Horse as many volunteers—intended for the manning of the commodore's squadron—as that ship could carry, and was thence directed to proceed immediately to the south of Ireland, accompanied by the Nightingale frigate, for the purpose of convoying transports, with two regiments on board, to Hampton, in Virginia.

Commodore Keppel set sail on the 28th of Decem-

ber, 1754, and after a long and stormy passage, arrived at Hampton roads on the 19th of February following. The ships of his squadron suffered severely in their masts, sails, and rigging, and their crews were in so sickly a state on their arrival, that few were fit for the performance of any duty.

The convoy, under Captain Palliser, got under weigh at Cork early in the ensuing January, and by his judicious and seaman-like adoption of the southern track, avoided the boisterous weather prevalent at that season of the year in more northern latitudes, and insured a fair passage to transports, crowded with men, to whom the heavy seas of the northern Atlantic would have been perhaps as formidable enemies as those they were proceeding to encounter on the American shores.

Having steered south with his convoy, till he nearly approached the northern tropic, and got within the influence of the moderate and steady breezes of the N.E. trade-wind, they arrived at Virginia early in March, where the commodore, from the boisterous weather he had experienced on his passage, and the effects of it on his ships' companies, judged it expedient to provide hospitals for the reception of the troops under Palliser's convoy; but all being in good health, the Sea-Horse, Nightingale, and transports, were enabled to proceed, without any delay, up the River Potomac to Alexandria, where the troops landed, and were encamped.*

General Braddock, on his arrival in America, found

* Log of his Majesty's ship Sea-Horse.

matters in a most unsatisfactory and confused state. The colonies were at variance with each other, no magazines were collected, and the provincial forces were still to be raised. A Congress, the first held in America, composed of General Braddock, Commodore Keppel, and all his Majesty's governors of colonies, assembled at Alexandria. The provincial troops, with the celebrated Washington at their head, joined the king's troops, and the plan agreed upon at the Congress, was to set on foot three expeditions to the northward; one against the fort near the Falls of Niagara, another against Fort Frederick, or Crown Point, and a third against the forts which the French had erected in the province of Nova Scotia. This last was commanded by the general in person, and consisted of two British regiments and about 1000 provincial troops.

The first of these expeditions, under the command of General Shirley, marched against the fort near Niagara, and totally miscarried. Colonel Johnson, who was intrusted with the second, consisting, for the most part, of colonial troops, proceeded towards Crown Point, but ascertaining that the French were coming in great force to attack him, he entrenched his army in a strong situation, and waited for his assailants.

The French commander, with a large body of regular forces, aided by the Canadian militia and several tribes of Indians, resolved to meet Colonel Johnson on his march, and surprised a detached corps, under Colonel Williams, which was defeated; but the attack upon Johnson in his entrenchments, was so well repulsed, that after an assault, which continued for some hours, the enemy's troops were forced to retire

with a considerable loss, leaving their commander—who was so dangerously wounded that he could not be carried off—a prisoner on the field. For his conduct on this occasion, Colonel Johnson was created a baronet of Great Britain.

General Braddock, after many delays and embarrassments, marched towards the Ohio, and on the 9th of July had got within a few miles of Fort du Quesne, when he unfortunately fell into an ambuscade, where his army was totally defeated, he himself mortally wounded, and several of his officers left on the field. Washington, who had accompanied him in this expedition as aide-de-camp, and who had warned him in vain of the impending danger, manifested on this occasion that military talent he was destined afterwards to display, in so signal a manner, against the forces it was now exercised in rescuing from the danger they had been led into. He succeeded in effecting a retreat of the remnant of the defeated army, and in joining the rear of the division under Colonel Dunbar, on whom the chief command had devolved.

The baggage, field-artillery, ammunition, together with the general's papers and instructions, all fell into the hands of the enemy, and thus terminated the American campaign, which had been commenced with such ardent anticipations of success.

The French embarked their troops at Brest, and the transports were escorted by a fleet of twenty sail of the line, under the command of Admiral Macnamara, who, after seeing the whole to sea, well clear of the coast of England, returned to France with nine sail of the line, leaving the remainder under the command of M. Bois

de la Moth, who, when near Newfoundland, detached four sail of the line and two frigates, with troops and stores to Louisbourg, and with the remainder proceeded to Quebec.

When intelligence was received in England that the French fleet under Macnamara had sailed from Brest, Admiral Boscawen, with eleven sail of the line under his command, and two regiments of the line, accompanying him on board, sailed from Plymouth on the 27th of April. Seven sail of the line under the command of Rear-admiral Holburne, were afterwards sent to reinforce him, and on his arrival on the American coast, he took a station where he should be most likely to fall in with the French.

M. Bois de la Moth, who sailed direct for Quebec, met with a heavy gale at the mouth of the Gulf of St. Lawrence, which dispersed his squadron, and four of his line-of-battle ships fell in with Boscawen's fleet on the 6th of June. The signal for chase was immediately made, and his fleet were gaining on the French, when a thick fog came on, and the pursuit was abandoned.

The weather cleared again on the 8th, when three ships of the line were observed close in with the English squadron. Captain Lord Howe in the Dunkirk, came up with the Alcide, the sternmost ship of the French, which struck to him on the approach of the Torbay; and her commander, M. de Hoquart, became Admiral Boscawen's prisoner for the third time. Another shortly surrendered to the Defiance, but a fog coming on suddenly, enabled the third ship, a seventy-four, to escape.

On the arrival of Boscawen on the American coast after the unfortunate defeat of Braddock, the Centurion, Commodore Keppel's ship, was ordered to join his squadron, and Keppel returned to England, as a passenger, with Captain Palliser in the Sea-Horse.

Notwithstanding that hostilities had already commenced in America, when the intelligence of the captures made by Admiral Boscawen reached France, loud complaints were uttered, a breach of national faith on the part of England was proclaimed, and the French ambassadors in London and Hanover were immediately recalled. But though war on neither side had been formally announced, Sir Edward Hawke put to sea with a fleet of eighteen sail of the line, in order to watch the movements of the French, and to intercept any of their ships of war that might be sent to reinforce the squadron of Bois de la Moth, and Boscawen finding that the French fleet had got to Quebec, returned to England in November.

The threatened invasion of Hanover, and even of England, by the French, at last brought a message from the king to Parliament. Early in May the following year, a declaration of war was issued against France, and in June, war was formally declared by the French against England. The French had already effected a descent on the island of Minorca, and Admiral Byng was despatched from Spithead with a fleet of ten sail of the line, having orders to call at Gibraltar for a detachment of troops to be conveyed to the relief of that island.

Although that expedition is not immediately connected with the services in which the subject of this

memoir was then engaged, the fate of Byng is a tragedy, which a writer, referring to the general naval events of that epoch, cannot well allude to without recording an opinion.

On the 20th of May the two fleets came to action. The English consisted of thirteen sail of the line and five frigates; the French had twelve sail and the same number of frigates, but were better manned, and superior to the English in the number of guns and weight of metal. The British guns amounted to 932, including frigates, all 32 and 24-pounders, and the men to 6885. The French, to 982 guns, 52 and 36-pounders, and the number of their men to 9600. The English admiral's gazetted account of the action says:

"Having ordered the Deptford, a ship of fifty guns to quit the line, that our force might become equal to the enemy, at two I made the signal to engage. I found it was the surest method to order each ship to close down on the one that fell to her lot, and I must express my great satisfaction at the very gallant manner in which the rear-admiral set the van example, by instantly bearing down on the ship he was to engage, with his second, who occasioned one of the French ships to begin the engagement, which was done by raking ours as they went down. The Intrepid, unfortunately at the beginning, had her foretopmast shot away, and as that hung on her foretopsail and backed it, he had no command of his ship, his foretack and all his braces being cut away at the same time, so he drove on the next ship to him, the Revenge, and obliged that ship and the ship, ahead of me, to throw all aback. This obliged me to do the same also for a few minutes,

to prevent their falling on board of me, though not before we had drove our adversary out of the line, who put before the wind, and had several shots fired at him from his own admiral. This not only caused the enemy's centre to be unattacked, but the rear-admiral's division to be uncovered for some time. I sent and called the ships ahead of me to go down on the enemy, and ordered the Chesterfield to lie by the Intrepid, and the Deptford to supply the Intrepid's place. I found the enemy edged away constantly, and as they went three feet to our one, they would never permit our closing with them, but took the advantage of destroying our rigging: for though I closed the rear-admiral fast, I found I could not gain close to the enemy, whose van were fairly drove from their line, but their admiral was joining them by bearing away."

The fleets were separated during the night, and when Byng had fully ascertained the damage his ships had received, a council of war was held, composed of all the naval and military officers of rank in the British squadron; when it was unanimously resolved that they should proceed to Gibraltar to refit, instead of seeking another engagement in the disabled condition which many of the fleet then were.

The admiral's account of the action, as above quoted, is, it must be allowed, but a confused composition. He, however, complained that this published letter was a garbled statement, and that all explanatory reasons for his retreat to Gibraltar were purposely omitted, particularly those passages wherein he mentioned, "That the Intrepid and Defiance were so damaged in their masts, that they could not be properly secured at

sea; and also that the squadron in general were very sickly, that many were killed and wounded, and that he had nowhere to put a third of their number, if he made an hospital even of one of the ships, which could not have been easily done at sea." Another part was left out, where he said, "I forward the resolutions of the council of war, which were unanimous, and I hope we shall find stores to refit us at Gibraltar, and if I have any reinforcement, will not lose a moment's time in again seeking the enemy and once more giving them battle; though they have a great advantage in being clean ships, that go three feet to our one, and therefore have the choice how they will engage us, or if they will do so at all, will never let us close upon them, as their sole view is to disable our ships, in which they have too well succeeded, although we obliged them to bear up." That part was further expunged from his letter; where he expressed his anxiety to make sure of protecting Gibraltar, to which his instructions particularly referred, as he found it impracticable either to succour or relieve Minorca.

Acting upon the French admiral's gasconading account of the engagement, which was received in England before any intelligence arrived from Byng, Sir Edward Hawke and Rear-admiral Saunders were sent out to supersede him in command of the squadron. When the garbled letter of the English admiral was published, from which every passage was carefully excluded that could justify his retreat to Gibraltar, the popular indignation was directed exclusively against him, instead of against those in the administration of naval affairs, who were called upon to have made ear-

lier and more adequate arrangements for the relief of Minorca, on whom that indignation would more justly have fallen, and for whose neglect and mismanagement the unfortunate admiral was doomed to be a sacrifice. Grenville, in a letter to Pitt, observes, "Though the venality of this hour may be deemed sufficient to throw the whole blame upon Byng, sending an insufficient force, is a question, that in the judgment of every impartial man now and hereafter, will require a better answer than I am afraid can be given to it. Whatever faults Byng may have, I believe he was not reckoned backward in point of personal courage, which makes this affair the more extraordinary, and induces me to wait for his own account of it before I form an opinion."*

After several months close imprisonment, a court-martial assembled to try the admiral. That tribunal came to thirty-seven resolutions; and though his bravery, coolness, and decision, during the action were testified to by those who were near him at the time, and acknowledged by his judges, who, in their last resolution, unanimously declared, "That he did not seem wanting in personal courage, and that his misconduct did not arise, they believed, from either cowardice or disaffection;" and though they were of opinion, "that the ships a-head of the Ramilies (Byng's own ship) crippled and thrown out of command by the enemy's fire, were an impediment to his continuing to go down." The accident which prevented his approach to the enemy, was immediately lost sight of, and in the very

* Chatham Correspondence. Vol. i., p. 164.

teeth of that impediment, admitted as a fact in their twenty-fifth resolution, and over which the admiral could have had no control; the circumstance which interfered with the execution of what should have been performed, was confounded with an intentional omission of his duty; and it was resolved unanimously, that Byng fell under the 12th article of war—to wit, "or shall not do his utmost to take or destroy every ship which it shall be his duty to engage," though the court previously decided that, owing to an accident, it was not possible for him to do his utmost. That article, therefore, positively prescribing death, he was adjudged to be shot, and a warrant was immediately afterwards signed for his execution, notwithstanding a strong recommendation for mercy from the members of the court to his Majesty.

When the admiral was sent for to receive his sentence, he declared to some of his friends present, that he expected to be reprimanded, and that he possibly might be cashiered; "Because," he observed, "there must have been several controverted points, the court has been shut up for a long time, and almost all the questions proposed by the court, have tended much more to pick out faults in my conduct, than to get at the true state of the circumstances; but I confess, I cannot conceive what they will fix upon."* A member of the court shortly afterwards came out, and told one of his relations, that he had the court's leave to inform him that they had found the admiral capitally guilty. On this being repeated to him, he exclaimed, "Will

* An Appeal to the People.

nothing but my blood satisfy them? Let them take it."

It was considered unlikely that such a sentence would ever be put into execution; and when the probability of a pardon was mentioned by his anxious friends, the admiral indignantly exclaimed, "What will that signify to me? What satisfaction can I receive from the liberty, to crawl a few years longer on earth, with the infamous load of a pardon at my back? I despise life on such terms, and would rather have them take it."

To add to the series of untoward events connected with the lamentable fate of this officer, Captain Keppel, in behalf of himself and other members of the court-martial, made application in parliament to be released from the oath of secresy which they had taken, "as the sentence of death they had passed lay heavily on their consciences." A bill was accordingly brought in to that effect, and carried through the House of Commons by a large majority; but the House of Lords resolved, before the bill obtained their consent, to question the members of the court-martial, as to their knowledge of any matter which might show the sentence to be unjust, or procured by unlawful means. Some of the members of the court, in whose behalf Captain Keppel declared he made application, disclaimed having given him authority to interfere; and when he himself was questioned by one of the lords, whether he was of opinion that he had any particulars to reveal relative to the sentence passed upon Admiral Byng, which he judged necessary for his Majesty's information, and which he thought likely to incline his Majesty to

mercy. He replied, that he could not answer without particularising the reason for his vote and opinion, and thus reconciled himself to the remorse which had urged him to seek the puerile formality of a parliamentary dispensation from his oath of secresy. These quibbles of a conscience upon which the fatal sentence was said to have lain heavily,—on so solemn an occasion, as that on which the life of a man was at stake, declared by that judge himself to have been neither guilty of cowardice nor disaffection,—seem to have been cruelly misplaced, and sealed the doom of Byng, by giving a fresh impulse to the popular clamour for his execution, when it was thus implied by the abandonment of those scruples in the minds of his judges, that the extenuating or exculpating circumstances to be revealed, when they were at liberty to speak out, had no existence.

The City of London was foremost in the sanguinary outcry for the admiral's execution, and the king is said to have pledged himself that he should suffer that summary punishment.

Mr. Rigby says in a letter to the Duke of Bedford, "I cannot forbear telling you, Lord Temple* pressed him (the king) some days ago, very strongly for a pardon for Mr. Byng. His Majesty persevered, and told his lordship very flatly, he thought him guilty of cowardice in the action, and therefore would not break his word they had forced him to give his people—to pardon no delinquents. His lordship walked up to his nose, and *sans autre cérémonie*, said, 'What shall you

* Keeper of the Privy Seal.

think if he dies courageously?' His Majesty stifled his anger and made no reply."*

Walpole observes, "On the affair of Byng, Lord Temple had even gone so far as to sketch out some parallel between the monarch himself and the admiral, in which the advantage did not lie on the side of the battle in which his Majesty was engaged."†

The sentence which had been respited till his Majesty became acquainted with what the members of the court-martial had to say, was now ordered to be put immediately into execution, and a warrant was conveyed to Portsmouth by Admiral Boscawen, condemning Byng to be shot to death on the forecastle of the Monarch.

When the warrant was read to him by the marshal, the admiral observed, "That the place appointed for his execution was an indignity to his birth, to his family, and to his rank in the service. I have not," he said, "been treated like an officer in any instance since I was disgraced, excepting in that of being ordered to be shot. It is true the place or manner is of no great importance to me, but I think living admirals should consult the dignity of the rank for their own sakes. I cannot plead a precedent of an admiral or a general officer in the army being shot: they make a precedent of me, such as admirals hereafter may feel the effects of." On the application of his friends, Boscawen consented to change the place of execution to the quarter-deck.

The forenoon preceding the day of his execution, the

* Correspondence of John, Duke of Bedford, vol. ii., p. 238.

† Walpole's Memoirs, vol. ii., p. 198.

admiral heard prayers and received the sacrament with some of his relatives and friends, whom he took leave of in the evening, saying, "I am to die to-morrow, and as my country requires my life, I am ready to resign it, though I do not as yet know what my crime is. I think my judges, in justice to posterity and to officers who come after us, should have explained my crime a little more fully, and pointed out the way to avoid falling into the same errors. As the sentence and resolutions now stand, I am persuaded no admiral will be wiser hereafter by them, or know better how to conduct himself on a like occasion."

On the following day, as the last hour of his life drew near, his friends sought to dissuade him from the resolution he had formed to die with his face uncovered, and to look and receive his fate. He at length unwillingly yielded, and consented to have a bandage over his eyes, and to make a signal by dropping a handkerchief.

When the hour arrived he handed a paper to the marshal containing his last thoughts. It was dated on board his Majesty's ship Monarch, Portsmouth, March 14th, 1757, and was as follows:

"A few moments will now deliver me from the virulent persecution, and frustrate the further malice of my enemies, nor need I envy them a life subject to the sensations my injuries and the injustice done me must create. Persuaded I am that justice will be done my reputation hereafter. The manner and cause of raising the popular clamour and prejudice against me will be seen through; I shall be considered (as I now perceive myself) a victim destined to divert the indig-

nation and resentment of an injured and deluded people from the proper objects. My enemies themselves must now think me innocent. Happy for me at this, my last moment, that I know my own innocence, and am conscious that no part of my country's misfortunes can be owing to me. I heartily wish the shedding of my blood may contribute to the happiness and service of my country, but I cannot resign my just claim to a faithful discharge of my duty, according to the best of my judgment, and to the utmost exertion of my ability, for his Majesty's honour and my country's service. I am sorry my endeavours were not attended with more success, and that the armament under my command proved too weak to succeed in an expedition of such moment. Truth has prevailed over calumny and falsehood, and justice has wiped off the ignominious stain of my supposed disaffection and want of courage. My heart acquits me of these crimes, but who can be presumptuously sure of his own judgment? If my crime is an error of judgment, or differing in opinion from my judges, and if yet the error in judgment should be on their side, God forgive them as I do! and may the distress of their minds, and the uneasiness of their consciences, which in justice to me they have represented, be believed, and subside as my resentment has done! The Supreme Judge sees all hearts and all motives, and to Him I must submit the justice of my cause."

The cabin doors were then thrown open, and the admiral came out with a stately pace and a composed countenance, and having knelt down, tied a handkerchief he held in his hand over his eyes. The marines

in the meantime advanced, and when his friends retired, presented their pieces; the first line kneeling with their bayonets about half a yard from his breast, the second line stooping and close to the first, and the third standing upright. The admiral remained on his knees something more than a minute, composed and in prayer, and then dropped the handkerchief, the signal agreed upon. The marines immediately fired; one shot missed, four passed through different parts of his breast, and one went through his heart. He sunk down motionless on the deck, and a seaman, who in sorrow and in deep attention witnessed the scene, cried out with a kind of enthusiasm, "There lies the bravest and best officer of the navy!"*

If the judges of this ill-fated admiral had made a distinction between wilful negligence and negligence resulting from deficient judgment, having unanimously freed him from any imputation of cowardice or disaffection, they might, in voting him to have fallen under the twelfth article of war, which prescribed death, have given an equitable and humane construction to that article, as it could never have been intended to deprive any man of life in punishment for an oversight, and they might have voted that from incapacity he was unfit for any command in his Majesty's navy, leaving it therefore in their own power to have sentenced him to whatever punishment they thought fit, and to have thereby avoided the everlasting stain which the murder of a brave and innocent man must leave on the memories of all those who were parties either to his condemnation or his execution.

* Appeal to the People.

The cruel measures adopted against Byng were severely criticised and condemned by our gallant enemies. Voltaire, in satirising this national disgrace, remarked, that the English shot their admiral "pour encourager les autres," and the following generous testimony to his courage and conduct in the action with Galissonière, from the French commander-in-chief, the Duc de Richelieu, was transmitted to England.

"I am very sensibly concerned for Admiral Byng. I do assure you whatever I have seen of him does him honour. After having done all that man could reasonably expect from him, he ought not to be censured for suffering a defeat. When two commanders contend for victory, though both are equally men of honour, yet one must necessarily be worsted, and there is nothing against Byng but his being worsted, for his whole conduct is that of an able seaman, and is justly worthy of admiration. The strength of the two fleets was at least equal. The English had thirteen ships and we twelve, much better furnished and much cleaner. Fortune, that presides over all battles, especially those that are fought at sea, was more favourable to us than to our adversaries, by sending our balls into their ships with greater execution. I am persuaded, and it is the generally received opinion, that if the English had obstinately continued the engagement the whole fleet would have been destroyed.

"In short, there can be no higher act of injustice than what is now attempted against Admiral Byng, and all men of honour, and all gentlemen of the army, are particularly interested in the event."

Sir John Barrow, from whose life of Anson the

above letter is extracted* implies a doubt of that document's having ever reached the unfortunate admiral, though it found its way to Lord Anson,—then at the head of the Admiralty—whose illustrious name, it is to be deplored, should suffer the tarnish of any association with so sanguinary a procedure.

Walpole, in his usual felicitous manner, thus sums up the events of the trial and execution: "Mr. Byng was acquitted of cowardice in the fullest manner,—of cowardice by men who (to say the best of them) were too scrupulous to acquit him of a crime of which they thought him guilty, when they imagined it was their duty to condemn him for another crime of which they did not think him guilty. For this, unbiassed posterity will undoubtedly judge of these men. If there was any meaning in this strange procedure, it must have been this. They thought the admiral guilty of an error in judgment, as from an error in judgment he had not done all they supposed he might have done, and then believing that the article of war intended to inflict death on all kinds of blame, they considered under what chapter of blame to rank Mr. Byng's error. These honest men, as it was not cowardice nor disaffection, agreed that a want of judgment was the nearest relative to neglect, and for that condemned him. This reasoning, I presume, is the best defence that could be made for these expounders of naval laws. If any thing could excuse men for condemning a person whom they thought innocent, it would be because the execution of a criminal, when his judge recommends him to mercy, is almost unheard of.

* Barrow's Life of Anson, p. 276.

"The late ministers had sufficiently barricaded the gates of Mercy when they engaged the king in that promise to the city of London, and who ever will read the inhuman letters of their tool, Cleland, the secretary of the Admiralty, will be a competent judge of what mercy Mr. Byng had to expect after condemnation.

"If Keppel had no more to tell than that he had been drawn into the harsher measure, by the probability of the gentler preponderating at last, he had in truth, been much misunderstood. His regret had worn all the appearance of remorse. How he came to appear calm and so indifferent at the last moment in which either regret or remorse could hope to have any effect, I pretend not to decide. Whilst the admiral fell like a victim, he acted like a hero. He was the only man whom his enemies had no power to bend to their purposes."*

* Walpole's Memoirs of George II. Vol. ii., p. 121.

CHAPTER III.

CRUISE IN THE EAGLE—EXPEDITION AGAINST QUEBEC —SERVICE IN THE MEDITERRANEAN.

Palliser appointed to the Eagle of Sixty Guns—Cruises off Ushant in Company with the Medway—Falls in with a French Ship—Brings her to Action, and Captures her—Number of Killed and Wounded in the Action—The Admiralty express their Approbation of his gallant Conduct—Cook, afterwards the celebrated Circumnavigator, a Seaman on board the Eagle—His good Conduct and Ability noticed by Captain Palliser—Interests himself in the Advancement of Cook—Palliser commissioned for the Shrewsbury, 74—Joins Lord Anson's Fleet—Despatched with a Squadron to cruise off Brest—Captures a large Fleet of French Merchantmen under the Convoy of Two Frigates—Drives the Frigates on Shore—Expedition against Quebec—The Fleet under the Command of Saunders—The Army commanded by Wolfe—Palliser joins the Fleet—Obtains a Master's Warrant for Cook—Naval Proceedings off Quebec—Cook Surveys and makes a Chart of the River St. Lawrence—The Siege of Quebec—The Death of Wolfe—The Capture of Quebec—Palliser takes Possession of the Lower Town—The Fleet returns to England—Palliser joins the Fleet in the Mediterranean under Saunders —Returns to England—Despatched with a Squadron to Newfoundland —Treaty of Peace with France, Spain, and Portugal.

1757 to 1763.

Soon after the return of Palliser to England after the unfortunate expedition of Braddock, he was commissioned for the Eagle, a ship of sixty guns, and on the commencement of hostilities against France, was ordered to cruise off Ushant in company with another

sixty-gun ship, the Medway, Captain Propy. On the 30th of May, at midnight, they fell in with, and gave chase to a large ship, which at daylight the next morning, showed French colours, and appeared, with her lower tier of guns run out, to be a ship of force, ready for battle. The Medway shortened sail to clear for action, but every preparation having been made on board the Eagle during the chase, she passed ahead with her men at quarters, and began the attack at a distance which caused every shot to take effect.

The following letter to the secretary of the Admiralty, contains the captain's own account of this engagement.

"Eagle,
"Plymouth Sound,
"June 5th, 1757.

"Sir,

"Please to acquaint the Right Honourable the Lords Commissioners of the Admiralty, that on the 30th ult. being in latitude 48° north, and longitude 2° west, with his Majesty's ship the Eagle under my command, and in company with the Medway, gave chase between one and two in the morning to a ship standing to the eastward. As daylight came on, we discovered her to be a large ship under French colours, with all her sails set. About a quarter before four o'clock, having got up on her lee quarter, distant about two ships' length, I attacked her, and after a close and very brisk fire on both sides, which lasted for forty minutes, she struck to us, just as the Medway came up under her stern, and began to fire.

"Very soon after she struck, her mizen-mast fell over the side, and immediately after, her main and fore-

masts. She proves to be the Duc d'Aquitaine, of about fifteen hundred tons, mounting fifty guns upon two decks, all French eighteen pounders, with a crew of four hundred and ninety-three men, commanded by M. d'Esqueton. She belongs to the French East India Company, and came last from Lisbon, where she landed a very rich cargo from the East Indies. She sailed from Lisbon equipped only for war, under orders to cruise for fifteen days ten or twelve leagues off the rock of Lisbon, in order to intercept one of our twenty-gun ships, on the point of sailing with a convoy. During her cruise she took an English brig bound from Cadiz to Cork.

"In the engagement I had only ten men killed and thirty-two wounded, seven of which are in a very dangerous way. The French had fifty killed, and a great many wounded, twenty-two of which are in a very dangerous state. Our masts, rigging, and sails are very much shattered, and I am afraid the whole must be shifted.

"This day I arrived with the prize in company with the Medway. Enclosed are the dimensions and the captain's instructions, also the state and condition of his Majesty's ship under my command.

"I have the honour to remain,

"Your most obedient servant,

"HUGH PALLISER.

"P.S. After communicating the captain of the prize's instructions to their lordships, have the goodness to return me the document, as I must deliver it with the other papers into the Admiralty-court.

"*Visible damage to his Majesty's ship the Eagle.*

"Twenty shot-holes through her sides. Three lower-deck ports shot away. A knee shot through, and several timber heads shot away. The bowsprit much wounded. The fore-mast, a shot through the middle of it, and wounded in another place. Two anchor-stocks shot away. Several shots and bars of iron sticking in the main and mizen-masts, and several bars of iron sticking in the sides and yards. The sprit-sail yard, two top-sail yards, main yard, main-topsail yard, and mizen yard, all wounded. The fore and main-topmasts shattered, fore-stay, five fore-mast shrouds, three back-stays, fore top-mast-stay, two mizen shrouds, top-sail-sheets, ties, halyards, and almost all the running rigging shot away. Sails rent almost all to rags."

The Board's minute of the 8th of June directed, "That Captain Palliser should be informed that their lordships were highly pleased with his success and gallant conduct on this occasion, and ordered the Eagle to be refitted at Plymouth."*

Captain Proby was very unjustly accused of backwardness in this attack, but Palliser took frequent opportunities of expressing his conviction, that to the circumstance of the Medway's not being clear for action, he himself was indebted for the good fortune of being able to engage and make a prize of the Frenchman, before Captain Proby came up to take a part in the action, and that officer afterwards gave repeated proofs of bravery in his Majesty's service.

* Admiralty Records.

Shortly after Captain Palliser had taken command of the Eagle, a young sailor, who had volunteered from a merchant-ship in the Thames to try his future fortune in the royal navy, attracted his notice. A certain reserve and steadiness of demeanour, differing from the usual heedless bearing of the foremast-man, but united to the qualifications of an active and diligent able seaman, marked him as being naturally superior to the situation in which he was then found. His knowledge of the scientific, as well as the practical parts of the navigation, was soon ascertained by his captain, and every encouragement which lay in his power was immediately afforded him. This seaman was James Cook, afterwards the enterprising circumnavigator, and celebrated Captain Cook.

Hitherto, with the exception of a voyage or two made in the capacity of mate, Cook had been but a common sailor, mostly employed in the coasting trade, and the acquirements he possessed were entirely the result of his own unaided industry.

Before the Eagle went to sea, Captain Palliser received a letter from the member for Scarborough, Mr. Osbaldeston, intimating that several of his neighbours had solicited him to write in favour of a person named Cook, on board his ship ; they had been informed that the captain had taken notice of him, and they were desirous of ascertaining in what manner his promotion would be forwarded. Captain Palliser, in reply, and in justice to the ability which he had ascertained the young seaman to be possessed of, acquainted Mr. Osbaldeston that a master's appointment might be procured, which would raise Cook to a situation he was

qualified to fill with credit. This first acquaintance, originating under circumstances where disparity of rank raised such a barrier between them, resulted in the commander's steady friendship for that distinguished seaman, whose fortunes were ever after anxiously promoted by him, Cook's earliest and constant patron, and to whose discrimination of the merit that might perhaps otherwise have remained in obscurity, England is indebted for one of her boldest and most adventurous navigators, and one of the greatest maritime discoverers of any age.

The approbation which the Lords of the Admiralty expressed on the capture of the Duc d'Aquitaine, was followed up by the immediate appointment of Captain Palliser to the Shrewsbury, a new ship of seventy-four guns; and at the beginning of the ensuing year, he was ordered to join the Western squadron, under the command of Lord Anson, who detached him at the head of a small fleet, with orders to cruise off the entrance of Brest, for the purposing of watching the French fleet in that harbour, and of giving the earliest intelligence of any general movement of the enemy. Whilst thus engaged, he fell in with a fleet of French merchantmen, under the convoy of two large frigates, which he drove on shore at the entrance of the Bay of d'Ouvernes, having pursued them till the shoalness of the water prevented his continuing the chase; but the greatest part of the convoy fell into his hands, and were immediately conducted across the channel.

The formidable expedition against Quebec, was now decided upon, and the gallant Wolfe, an officer who had not yet attained his thirty-fourth year, but whose

precocious talents and military genius afforded every promise of conducting it with success, was selected for the command of the land forces; Brigadier-generals Monckton, Townsend, and Lieutenant-colonel Murray were appointed to act under him; and the troops consisted of ten battalions of infantry, three companies of provincial grenadiers, and some companies of artillery. The fleet, the most numerous and important part of the force destined for this service, consisting of twenty sail of the line, sixteen frigates, besides sloops and fireships,* was placed under the command of Admiral Saunders, with Rear-admirals Durrel and Holmes under him. To this fleet Captain Palliser was attached, and Admiral Saunders, with General Wolfe, sailed in February, 1759, for Louisbourg, Cape Breton, which was appointed the general rendezvous for the fleet and transports. On their arrival, however, they found that port blocked up with ice, and were forced to bear away for Halifax, whence they shortly departed again for Louisbourg, and on the 6th of June, made sail and anchored at the mouth of the River St. Lawrence. On the 26th of June, and on the 27th, the whole British army landed on the Island of St. Orleans, and encamped about a mile from shore.

M. de Montcalm, on learning the destination of the British armament, took every measure to defeat so formidable an enterprise. The plan of his operations was to act entirely on the defensive, and as the whole north shore of the river St. Lawrence had few spots were a landing could be easily effected, he lined the

* Beatson's Naval and Military Memoirs.

banks with troops, and the main body of the French army, amounting to 15,000 men, was encamped near Quebec.

Before the fleet had sailed from England, a master's warrant was obtained for Cook through the interest of Captain Palliser, when he received his appointment of master to the Mercury, one of the frigates engaged in the expedition; and on the further recommendation of his friend, who knew his competency for the task, Mr. Cook was selected by Admiral Saunders for the difficult and dangerous service of taking soundings in the channel of the River St. Lawrence, between the Island of Orleans and the north shore, and directly in front of the French fortified camp, in order that the admiral might bring his ships against the enemy's batteries, and cover the attack on the main body of their forces, which the heroic Wolfe was to lead.

The ability and resolution of Cook were demonstrated by the steady and successful manner in which he performed this hazardous and laborious service, which he was engaged in for many successive nights. On one occasion, when discovered by the enemy, a fleet of canoes were launched for the purpose of cutting him off, when he was forced to run his barge on shore, which was carried away a prize, and Cook narrowly escaped with his life, having jumped out of the bow as the Indians entered the boat at the stern. However, he furnished Admiral Saunders with an accurate chart of the river—an instance of his great aptness as a draftsman, for he had not learned the art of drawing, and probably had never used a pencil before.

This chart Cook improved by an additional sur-

vey of the river below Quebec, which greatly facilitated the operations of the fleet; and when published with sailing directions for the whole River St. Lawrence, at once established the diligence and professional talent of its author.

The naval proceedings, in connexion with the siege and conquest of Quebec, are fully and explicitly related in the following despatch from Admiral Saunders.

"Ship Stirling Castle,
"Off Point Levi, River St. Lawrence,
"September 5, 1759.

"In my letter of June 6, I acquainted you that I was then proceeding to the River St. Lawrence. On the 26th, I got up with the first division of the fleet and transports, as far as the middle of the Isle of Orleans, where I immediately prepared to land the troops, which I did next morning. The same day the second and third divisions came up, and the troops from them were landed likewise.

"I got thus far without any loss or accident whatever; but directly after landing the troops, a very hard gale of wind came on, by which many anchors and small boats were lost, and much damage received among the transports, by their running on board of each other. The ships that lost most anchors, I supplied from the men-of-war, as far as I was able, and in other respects gave them the best assistance in my power.

On the 28th, at midnight, the enemy sent down from Quebec seven fire-ships, and though our ships and transports were so numerous, and necessarily spread over a great part of the channel, we towed them all clear and aground, without receiving the least damage

from them amongst our ships. The next night General Monckton crossed the river, and landed with his brigade on the south shore, and took post at Point Levi, and General Wolfe took his on the westernmost point of the Isle of Orleans.

"On the 1st of July I moved up between the points of Orleans and Levi, and it being resolved to land on the north shore below the Falls of Montmorency, I placed on the 8th, his Majesty's sloop the Porcupine and the Boscawen, armed vessels, in the channel between Orleans and the shore, to cover the landing, which took place that night. On the 17th I ordered the captain of the Sutherland to proceed with the first fair wind and night-tide, above the town of Quebec, and take with him his Majesty's ships Diana and Squirrel, with the armed sloops and cats, armed and loaded with provisions. On the 18th, at night, they all got up except the Diana, and gave General Wolfe an opportunity of reconnoitering above the town, those ships having carried some troops with them for that purpose. The Diana ran on shore upon the rocks off Point Levi, and received so much damage, that I have sent her to Boston with twenty-seven sail of American transports, where they are to be discharged, and the Diana having repaired her damage, is to proceed to England, taking with her the mast-ship, and what trade may be ready to accompany her.

"On the 28th, at midnight, the enemy sent a raft of fire-stages, amounting nearly to a hundred radeaux, which succeeded no better than their fire-ships.

"On the 31st, General Wolfe determined to land a number of troops above the Falls of Montmorency, in

order to attack the enemy's lines, to cover which, I placed the Centurion in the channel between the Isle of Orleans and the falls, and ran on shore two cats at high water, which I had armed for the purpose, against two small batteries and two redoubts, situated where our troops were to land. About six in the evening they landed, but the general not thinking it proper to persevere in the attack, soon after part of them re-embarked, and the rest crossed the falls with General Wolfe. Upon which, to prevent the two cats from falling into the enemy's hands, they being dry on shore, I gave orders to have the men taken out of them and to have them set on fire, which was accordingly done.

"On the 5th of August, in the night, I sent twenty flat-boats up the river to the Sutherland, to embark 1260 of the troops, with Brigadier-general Murray, from a post we had taken on the south shore. I sent Admiral Holmes up to the Sutherland to act in concert with him, and to give all the assistance the ships and boats could afford. At the same time I directed Admiral Holmes to use his best endeavours to get at and destroy the enemy's ships above the town, and for that purpose I ordered the Lowestoffe and Hunter sloops, with two armed sloops, and two cats, and provisions, to pass Quebec and join the Sutherland, but the wind blowing westerly, it was the 27th before they got up, which was the fourth they had made to gain their passage.

"On the 25th, at night, Admiral Holmes and General Murray with part of the troops returned. They had met with and destroyed a magazine of the enemy's

clothing, some gunpowder, and other things, and Admiral Holmes had been ten or twelve leagues above the town, but found it impossible at this time to get further up.

"General Wolfe having resolved to quit the camp at Montmorency, and to go above the town in hopes of getting between the enemy and their provisions (supposed to be in their ships there), and by that means force them to an action, I sent upon the 29th, the Sea-Horse and two armed sloops, with two cats laden with provisions to join the rest above Quebec, and having taken off all the artillery from the camp at Montmorency on the 3d inst., in the forenoon, the troops embarked from thence and landed at Point Levi. The 4th, at night, I sent up all the flat-bottomed boats, and this night a part of the troops will march up the south shore above the town, to be embarked in the ships and vessels there, and to-morrow night the rest will follow. Admiral Holmes is also gone up again to assist in their future operations, and to try if with the assistance of the troops, it is practicable to get at the enemy's ships.

"As General Wolfe writes by this opportunity, he will give you an account of his part of the operations and his thoughts on what further may be done for his Majesty's service. The enemy appear to be numerous and appear to be strongly posted; but let the event be what it will, we shall remain here as long as the season of the year will permit, in order to prevent their detaching troops from hence against General Amherst; and I shall leave cruisers at the mouth of the river, to

cut off any supplies that may be sent them, with strict orders to keep that station as long as possible.

"The town of Quebec is not habitable, being almost entirely burned and destroyed.

"I enclose you the present disposition of the ships under my command. Twenty of the victuallers that sailed from England with the Echo have arrived. One unloaded at Louisbourg, having received damage on her passage out, and another I have heard nothing of.

"No ships of the enemy have come this way, that I have had any intelligence of since my arrival in the river, with the exception of one laden with flour and brandy, which was taken by the Lizard.

"Before Admiral Durrel got into the river, three frigates, and seventeen sail with provisions, stores, and recruits, got up, and are those we were so anxious to destroy. Yesterday, I received a letter from General Amherst, dated Camp, at Crown Point, August 7th, wherein he only desires I would send transports and convoy to New York, to carry 607 prisoners, taken at the surrender of Niagara. I should have written sooner from hence, but while my despatches were preparing, General Wolfe was taken very ill: he has been better since, but is still greatly out of order. I shall very soon send home the great ships, and

"I have the honour to be, &c.,

"CHARLES SAUNDERS."

Wolfe having recovered from the indisposition produced in a great measure by the almost inactive sus-

pense of nearly three months, passed in view of the cautious enemy without being able to bring on an engagement, resolved to force a battle, and on the evening of the 12th, all the troops were ordered on board their respective ships, and having drifted up during the night with the ebb-tide, were disembarked above Cape Diamond before daybreak. General Montcalm, in order to save the town, was now compelled to trust to the fortune of a general battle, and as day dawned, the French army was perceived in motion, advancing gallantly to the attack.

Wolfe placed himself at the head of the provincial grenadiers, and in the first charge received his mortal wound, and was carried motionless to the rear of the British army, where the dying warrior, heedless of bodily anguish, or his approaching early doom, passed the few remaining moments of life, wrapt in anxious suspense, inquiring only how the tide of battle was setting At length, intelligence was brought him, that the enemy was utterly defeated, and retreating in every direction. When faintly exclaiming, "I now die content;" as the glad cry of victory sounded through the ranks, the hero expired in the arms of one of his soldiers.

General Monckton, at the head of the 47th regiment, was shot through the body, and the French commander-in-chief was also carried off the field mortally wounded.

Quebec thus abandoned by the retreat of the French, fell into the hands of our victorious army. Lieutenant-colonel Murray, at the head of three companies of grenadiers, and a detachment of artillery, marched in

and took possession of the upper town, and at the same time Captain Palliser, leading a body of seamen, entered the lower town and planted the British standard on the enemy's batteries.

When the intelligence of the success of this formidable expedition, which extinguished the power of France in America, was received in England, addresses were presented to his Majesty from the Universities, and the principal cities and corporations of the kingdom, congratulating his Majesty on the signal victory gained by his forces in America, and a royal proclamation was issued, appointing a day of solemn thanksgiving to Almighty God throughout the British dominions. The colonists also shared in the joy of this triumph, and Franklin, in the following paragraph of a letter written to Lord Kimes immediately after that event, may be thought to convey their feelings in general on the occasion.

"No one," he observes, "can more sincerely rejoice than I do, on the reduction of Canada; and this not merely as I am a colonist, but as I am a Briton. I have long been of opinion that the foundations of the future grandeur and stability of the British empire are in America: and though like other foundations they are low and little seen, they are nevertheless broad and strong enough to support the greatest political structure human wisdom ever yet erected. I am, therefore, by no means for restoring Canada. If we keep it, all the country from St. Lawrence to Mississippi, will in another century be filled with British people; Britain herself will become vastly more populous, by the immense increase of her commerce; the Atlantic sea will

be covered with your trading ships; and your naval powers, thence continually increasing, will extend your influence round the whole globe, and over the world. If the French remain in Canada, they will continually harass our colonies by the Indians, and impede if not prevent their growth: your progress to greatness will at best be slow, and give room for many accidents, that may for ever prevent it."

The public rejoicings for the victorious issue of our arms on the opposite side of the Atlantic had not subsided, when the gallant action of our fleet, under the command of Admiral Hawke, off Ushant, with the French fleet under M. Conflans, was proclaimed, announcing that four of the enemy's largest ships were totally destroyed, one taken, and the remainder dispersed in a shattered, disabled condition.

It was whilst Hawke was engaged in this brilliant and successful encounter, that Admiral Saunders, having returned from America, heard as he anchored in Plymouth Sound, that the French commander had embraced the opportunity of the English admiral's being driven off the French coast by the violence of the weather, to make sail from Brest. The wind favoured the patriotism of the conqueror of Quebec, and he at once made sail to the assistance of Hawke, without waiting even to land his glory, or heeding the formality of an order, when the service of his country might be benefited by the omission; but the victory was achieved before he could reach the scene of action and share in the honours of the day; for, as Walpole observes, "Such too was the age that England did not require the addition of a Saunders."

The signal success of Admiral Boscawen in his action with the French, under De la Clue, off Gibraltar, in August, and the defeat of their fleet under Conflans, off Ushant, so effectually humbled the maritime power of that nation at the close of this year, that the fleets of England rode triumphant round the whole globe, and the navy of France was confined in every direction within the limits of her own ports.

Captain Palliser, who had returned to England with Admiral Saunders, after the surrender of Quebec, was now attached to a squadron despatched under the command of that distinguished officer to cruize in the Mediterranean, and prevent the sailing of a fleet from Toulon, which the French were equipping there to send up the Levant.

As soon as the admiral passed the Straits of Gibraltar, the Vestal and Pallas frigates were ordered from the fleet, the former to sail along the Spanish shore, and the latter along the coast of Barbary, in order to reconnoitre the different bays and harbours, whilst the main body steered a mid-sea course towards Minorca, off which island they were joined again by the two frigates, without their being enabled to obtain any intelligence of the enemy. Admiral Saunders now made sail for Toulon, and by the stratagem of disguising one of the frigates so as to resemble a merchantman, and sending her in advance, out of sight of the fleet, they succeeded in decoying a pilot vessel alongside, from the crew of which it was ascertained that a French squadron, consisting of some sixty-four gun ships, two ships of fifty guns, and two large frigates,

had sailed from the port of Toulon, conveying an ambassador from France to counteract the measures which the envoy of the King of Prussia was then concerting at Constantinople, for the formation of an alliance between that monarch and the Grand Sultan. This information induced the admiral to detach a squadron under the command of Captain Palliser in search of them: this squadron comprised the following ships:

	GUNS.	FRIGATES.
Shrewsbury	74	Shannon.
Somerset	74	Pallas.
Dunkirk	60	Vestal.
Preston	50	Pennington.

Palliser had not long left the fleet when he descried the enemy's squadron, to which he instantly gave chase; but as it consisted of clean ships, just from port, they shortly ran him out of sight, and took refuge in the Turkish harbours, where they put themselves under the protection of the forts of the Grand Seigneur; part sought shelter in the island of Candia, and part in the Morea, where Palliser blockaded them for several months, and prevented their giving any annoyance to our extensive trade in the Mediterranean. In the meantime to humble the enemy, who shunned a meeting with him, he sent a public message to the English ambassador at the Porte, requesting him to have it promulgated, that nothing but respect for the neutrality of the Grand Seigneur's dominions prevented his entering the ports where the French took refuge, and bringing them to action. This challenge had not the effect of inducing the enemy to abandon the protection which the batteries of the Turkish sovereign afforded them,

and the foulness* of Palliser's ships at length obliged him to quit his station, and repair to Gibraltar, for the purpose of cleaning and refitting, when the French squadron embraced the opportunity of his disappearance, and returned back to Toulon.

Palliser remained on his station until the close of the ensuing year, when he was ordered to return to England.

About this period arrangements were made for the assembling of a Congress in Augsburg, a city of Suabia in Germany, where plans for a termination of hostilities and the establishment of a general peace were to be discussed. Ambassadors from the courts of Great Britain, France, and Austria were appointed, and preparations were already made for their residence in that city pending the discussions. Austria even had made a reduction in her army to the amount of 20,000 men and 1500 officers;† but these promising advances towards a speedy cessation of the war which for five successive years had devastated Europe, led to no satisfactory result. France objected to the terms of the proposed treaty, and concluded a secret alliance with the court of Spain, generally termed the Family compact.

Intelligence of this alliance was not proclaimed before the latter end of the year, and in January following, war was formally declared by England against her new enemy. Pitt foresaw the confederacy which the

* Copper sheathing for the bottoms of ships was not then in use, and the adhesion, to a great extent, of different marine substances, after being a short time at sea or in harbour without cleaning, retarded their speed.

† Geschichte des Siebenjährigen Krieges. Durch J. W. Von Archenholtz. Ch. xi.

courts of Versailles and Madrid had just entered into, and had urged upon his colleagues the necessity of anticipating the hostilities contemplated by these joint powers ; but blind to the arguments with which that vigorous and enlightened statesman supported the adoption of immediate action, they set themselves against the measures they were soon after compelled to resort to, and Pitt—unwilling to bear the responsibility of proceedings which he was not permitted to control—with the universal regret of the nation, abandoned the helm of state, at the moment that his comprehensive intellect was most needed for its guidance.

The British ministry having at length resolved to commence hostilities against Spain, it was determined as in the last war, to attack her rich foreign settlements. An expedition was accordingly fitted out for the Spanish Main, and the city of Havanna, in the Island of Cuba, the most important and opulent colony of Spain, where the precious metals from the Mexican mines were stored previous to their transmission to Europe, was selected as the first field of operation for a hostile British armament.

Sir George Pocock, an early friend of Palliser's, and under whom he had served in the West Indies, was appointed to the command of a formidable fleet of fifty-four ships of war, and one hundred and sixty transports. This officer had chiefly served in the East, and had peculiarly distinguished himself at the attack upon Chandernagore, where he was severely wounded. General the Earl of Albemarle was selected for the chief command of the land forces, destined for this service, which amounted to 16,000 men, the greater

part consisting of troops sent to Martinico, under General Monckton, and a force from America, chiefly comprising provincials.

This expedition, although crowned with success,* was attended with a fearful sacrifice of human life, and the valuable conquest of Havanna cost England upwards of 10,000 of the flower of her gallant seamen and soldiers, the greater part of whom were carried off by the pestilential effects of that fatal climate, and those who survived, returned to their country, the victims of broken and decayed constitutions.

Whilst our naval and military forces were thus engaged in the New World, Spain marched an army into Portugal : a nation, though once warlike and powerful, now incapable of defending herself from such an attack without the assistance of the auxiliary troops, which, as her ally, we were called upon to furnish.

By this last invasion, Europe became the scene of a ruthless war from one extremity to the other. Every nation, from the Carpathian Mountains to the Atlantic Ocean, were now in arms ; but the space within those boundaries was too narrow for their warlike conflicts, and the fearful devastation of human life which marked this eventful period of history, was extended to America, the East and West Indies, the Coast of Africa, and even to the remote Philippine Islands. The death, however, of one frail mortal was destined to alter the

* The English acquired by the expedition to Havanna, upwards of three millions sterling. The share of prize money which fell to the commanders-in-chief, amounted, to 122,700*l.* each.

whole aspect of the political horizon of Europe. Elizabeth, Empress of Russia, was summoned to a change the most striking and awful within the range of mortality—from the throne of despotism to the grave—and the personal antipathy to the King of Prussia, which led the Russian Empress into an alliance with Austria and France, in order to accomplish his overthrow, found no sympathy in the breast of her successor, Peter III., whose first act on ascending the throne, was to assure Frederick of his friendship and assistance. Peace with Prussia was immediately declared; a treaty of alliance between that kingdom and Russia speedily followed, and some confidential letters having passed between the sovereigns, Peter formed an enthusiastic friendship for his new ally, and openly avowed his determination to afford him succour, should he fail in inducing the courts of Vienna and Versailles to conclude a peace with Frederick, and to restore the conquests made by the allied forces in the course of the war. Austria, however, would listen only to terms based upon conditions dictated by herself, and of a nature so harsh and humbling to Prussia, that they were at once rejected by the two allied monarchs, and the general in command of the Russian forces in Germany, was ordered to march with his army, amounting to 20,000 men into the Prussian camp.

This decisive step, taken by the Russian Emperor without any intimation being given to his former allies, was a startling event to the Empress Theresa of Austria, who had already disbanded upwards of 20,000 of her troops, convinced that the next cam-

paign would terminate the career of the Prussian monarch.

The comparatively defenceless state in which the Island of Newfoundland was left by the withdrawal of our ships and troops from the American coast, to co-operate with those employed in hostilities against the Spanish settlements, induced France, whilst we were thus engaged, to equip with the greatest secresy a small squadron, consisting of six ships of war, having on board 1500 men, destined to make a descent on that island.

This little armament slipped out of Brest in a thick fog, and information of the circumstance being obtained in England soon after their departure, Sir Edward Hawke was despatched in pursuit, but the enemy succeeded in getting clear out to sea.

On the 11th of May, the French squadron came in sight of a British convoy of three rich fleets, the capture of which would have been of much greater importance to France, and much more injurious to the commercial interests of England than the taking of St. John's, Newfoundland.

These fleets consisted of the trade for North America, escorted by the Gosport ; the trade for the West Indies, escorted by the Danae, and a squadron of the East India Company's ships, which Captain Rowley, of the Superb, seventy-four, had to escort to the westward.

As soon as the enemy came in sight of our fleets, they gave chase, and Captain Rowley having issued orders for the different ships to continue their course,

formed a rear-guard with the vessels of war for their protection. The French commander, however, as soon as he reconnoitered the English squadron, and perceived the preparations made by Captain Rowley for an attack, hauled his wind, and went off. Chase was instantly given by the three English ships, but the French exhibited their usual superiority in speed, and Captain Rowley was compelled to give up the pursuit, and to proceed with his consorts to the care of their convoy.

Captain Palliser, who had returned from the Mediterranean, when in the previous year a cessation of hostilities between England and France was pending, now received orders to take the command of a squadron, and proceed to Newfoundland, which island the French had surprised and taken. Lord Colville commanded the naval force on that station, and Palliser was directed to co-operate with him and Colonel Amherst, who had already commenced operations for the recapture of the town of St. John's.

The squadron engaged in this service consisted of the following ships :

Shrewsbury	74 guns	. .	Commodore Palliser.
Superb	74 „	. .	Captain Rowley.
Bedford	54 „	. .	Captain Martin.
Minerva	34 „	. .	Captain Peyton.

They set sail from England in August, and two days before their arrival at Newfoundland, Colonel Amherst had surprised and entered the town at the same time that the French naval commander, M. D. Fernay, stole

out of the harbour under cover of one of those thick fogs so prevalent on that coast. When it cleared up, the enemy's ships were seen and pursued by Lord Colville, but were fortunate enough to effect their escape, though they must have passed close to the squadron, under Commodore Palliser, then standing in for the land.

The French garrison surrendered themselves prisoners of war to Colonel Amherst, and the French commodore decamped in such haste, that he left his anchors behind him, and even turned the boats adrift which had towed him out of the harbour.*

Hostilities against France having now terminated, and the capture of Havannah, a punishment so well merited by the Spaniards for the unjust war they engaged in, having established the maritime superiority of England, both in the Old and the New World, overtures of peace were made by France and Spain with every appearance of sincerity, and a definitive treaty was concluded at Fontainebleau, February 10, 1763, between Great Britain, France, Spain, and Portugal, which confirmed to Great Britain, the Islands of Granada, St. Vincent, Dominico, and Tobago, in the West Indies, as well as the extensive provinces of Canada, East and West Florida, and part of Louisiana in North America.

Austria, forsaken by her allies, and left to contend single-handed against the invincible Prussians, conclude a treaty of peace about the same time with Frederick, which did not leave a single captured village even, unrestored to him, and at the end of the sanguinary Seven Years' War—during which more than a million of human

* Beatson's Naval Memoirs. Vol. ii., p. 576.

beings were sacrificed to the ambition, revenge, and personal hatred of a few—the powerful monarchs who covered the whole continent of Europe with their bands of armed warriors, were compelled to repose,—their resources exhausted, and their glory diminished,—at the same point from which they started in their schemes of conquest and devastation.

CHAPTER IV.

GOVERNOR OF NEWFOUNDLAND—COMPTROLLER OF THE NAVY—A LORD OF THE ADMIRALTY.

Palliser appointed Governor of Newfoundland, and Naval Commander-in-chief on that Station—Appoints Cook Marine Surveyor—Disputes with the French—Correspondence with the Admiralty—Return from Newfoundland—Appointed Comptroller of the Navy—Projected Voyage of Discovery to the South Seas—Recommends the Appointment of Cook to the Command of the Enterprise—The Discoveries in the Fifteenth and Sixteenth Centuries by Columbus, Vasquez de Gama, and Magellan—Voyages of Byron, Wallis, and Cateret—Cook's First Voyage round the World—Cook's Second Voyage in search of a Southern Continent—Palliser selects the Ships for this Enterprise—Voyages of Hudson, Baffin, and Davis, in search of a North-west Passage to India—Expedition of the Honourable Captain Phipps towards the North Pole — Palliser created a Baronet—Promoted to the Rank of Rear-admiral—Appointed Lieutenant-general of Marines, and a Lord of the Admiralty—Cook's Third Voyage—His Instructions drawn up by Sir Hugh Palliser—Murder of Cook at the Sandwich Islands—A Monument erected to his Memory by his early Friend and Patron, Sir Hugh Palliser.

1764 to 1776.

AFTER the establishment of peace, complaints were received in England of frequent encroachments made by the French on our fisheries in Newfoundland. This island was discovered by Sebastian Cabbot in the year 1477, a few years after Columbus had discovered the

New World, and as Cabbot's expedition was promoted by Henry VII., that monarch laid claim to the sovereignty of the island, and settlements were effected there in the next reign.

The English had been in possession of Newfoundland nearly a century before the French attempted to establish themselves there; nevertheless, the right to the island became a constant subject of dispute between France and England. In one of our wars with that nation, Placentia and some other settlements were taken by the French, but the property of the country was entirely vested in England by the treaty of Utrecht, reserving to the French the liberty of taking fish on the banks and drying them on the shore. This enormous bank is about six hundred miles in length, and three hundred in breadth, and so many advantages accrue to Great Britain and her colonies from the extensive fishery it affords, in which nearly 3000 small craft are engaged, giving employment to 30,000 hands, that Newfoundland is deservedly considered a most important possession, and particularly valuable in a commercial point of view.

In order to prevent the encroachments complained of, and to extend the necessary protection to so large a branch of our national industry, Commodore Palliser was appointed Governor of Newfoundland and Labrador, and also commander-in-chief of the station, with a squadron under his command, consisting of the Guernsey, of fifty guns, and several frigates, which sailed from England in the beginning of the year. The island was subject also to frequent predatory visits from the Esquimaux Indians, a people chiefly

inhabiting the coast of Labrador, along the borders of Hudson's Bay, and remarkable for their extraordinary covetousness, their total disregard of the rights of property, and whose principal employment is hunting and fishing.

On Commodore Palliser's arrival, he found a French commodore at the island, with a squadron of similar force to his own, who had taken upon himself the adjustment of the disputes existing between the English and French employed in the fisheries.

This interference was at once resisted by Commodore Palliser, who, as the sovereignty of the island was vested in the crown of Great Britain, would not sanction the exercise of any foreign authority within his government, and therefore required that the French commander should abandon every attempt at jurisdiction on the coast, as it was his duty alone to render strict justice to the rights of both nations.

He also put an immediate stop to the erection of fortifications, which the French had commenced on the Island of St. Pierre, as the terms of the last peace, though ceding that island to them for the purpose of drying and curing their fish, prohibited its being occupied by an armed force.

These decisive measures produced urgent complaints against Palliser, which were put forward by the French government, through their ambassador in London. The British ministry, however, supported the acts of their governor, and encouraged him to maintain strictly the measures he had adopted to keep the French within the bounds prescribed by former treaties.

Amongst other privileges claimed by them, was that

of fishing along the west coast of Newfoundland, in confirmation of which, it was asserted that Cape Ray was Point Riche, and that the names of those points were altered on the English charts, for the purpose of curtailing the French boundaries ; and to verify this assertion, the French ambassador produced a chart, on which they were designated in accordance with the right contended for.

Commodore Palliser immediately discovered that the alleged alteration in the English charts, was a device to which they themselves had resorted, and he was enabled to prove that the English charts had been published before Point Riche was made a boundary mark. He also happened to have in his possession a French chart, on which the respective points were named as laid down by the English ; and as the chart produced by the French ambassador was evidently taken from the same plate, the names of points in question being inserted to justify their encroachments, the fraud was clearly established to have emanated from themselves; and although the French ambassador admitted that he was deceived and in error, disputes about limits and privileges continued till the French were altogether dispossessed, in 1793, of every settlement on the coast.

The responsibilities devolving on Palliser in this government, which required on his part both the enaction and administration of laws to maintain order amongst the mixed classes frequenting the coasts of Newfoundland and Labrador, may be inferred from the following letter to the Secretary of the Admiralty:

To Philip Stephens, Esq., Admiralty.

"Ship Guernsey,
"October 18, 1766.

"Sir,

"Please to acquaint the Right Honourable the Lords Commissioners of the Admiralty, that the service on these stations being now over for this season, I have ordered his Majesty ship, the Liverpool, with the convoy, to Cadiz; the Pearl to Lisbon; and the Hope schooner to join Commodore Hood at Halifax.

"Be pleased also to inform their lordships, that I find the two sloops, the Stag and Zephyr, too small for this service, as they will not stow provisions enough to be employed on such disturbed stations, where no supplies are to be got.

"The rest of the ships are barely sufficient to perform the several services to be attended to. First, to keep the French within the limits prescribed by the treaties, and thereby present their rivalling us in our valuable fish trade. Secondly, to prevent this country becoming a mart for all kinds of clandestine trade between the French and all our colonies. Thirdly, to enforce the fishery laws, and preserve peace and some degree of order amongst the fisheries, especially amongst the mixed multitudes now resorting to the new northern banks about the straits of Belle Isle, composed of about 5000 of the very scum of the most disorderly people from the different colonies, disturbing each other, and conspiring to ruin and exclude all British adventurers from that new and valuable fishery; be-

sides a number of wild, ungovernable people from the interior of Newfoundland, who are in every respect as savage and as barbarous as the most savage tribes of the American continent.

"The whole number of vessels and men employed in these parts this year, amounts to about 3500 vessels, and 15,000 men, one thousand of which number of vessels are French, with nearly 8000 men employed on board them, which adds to the confusion, and this upon a coast inhabited by the most savage people in the world —the Esquimaux. All these circumstances have required the whole number of king's ships on the station, and my utmost endeavours to preserve peace and prevent the greatest mischief and bloodshed.

"I send this by the Merlin, which has on board eighteen Frenchmen belonging to a French ship, seized for clandestine trade, which please to inform their lordships of, that they may, if they think fit, order one of the cutters to land them on the coast of France.*

"I remain, Sir,

"Your obedient servant,

"HUGH PALLISER."

The stringent measures put in force by the governor, to repress every encroachment of the French beyond the prescribed limits, rendered him peculiarly obnoxious to them, and every circumstance was laid hold of that could tend to embarrass him. A quarrel between some of the English coast-guard and a small body of Frenchmen, was magnified into a case of un-

* Admiralty Records.

warrantable ill-treatment, and a memorial of complaint to that effect was presented to government by the French ambassador.

The following is the governor's explanation of the alleged outrage :

To Philip Stephens, Esq., Admiralty.

"Guernsey,
"January 3, 1768.

"Sir,

"In answer to your letter of the 7th ultimo, inclosing a copy of a French memorial, complaining of the ill-treatment which two Frenchmen, therein named, pretend to have met with from Englishmen in Newfoundland, on the 11th of June last, transmitted by the Earl of Shelburne to the Lords Commissioners of the Admiralty, and signifying their lordships' directions that I should make a report to them of the state of the facts mentioned in the same memorial, for the king's information.

"Be pleased to inform their lordships, that no report of any transaction had been made to me, to which I could apply this case. I therefore deferred answering it till I had made the strictest inquiry to discover what has given rise to this imperfect story, which I find is simply this :

Complaints having been made by our fishermen on the coast of Newfoundland, in the neighbourhood of St. Pierre's, that the French from that island came over to the coast in breeding season, to take, destroy, and drive away the sea-fowls which bred on the little islands and rocks along the coast, and upon which our fishers

entirely depend for bait in the early season before the bait fish come in. In order to prevent these and other mischiefs and encroachments, I stationed some cruisers at St. Pierre's, the officer in command of one of which, it seems, put men on shore upon Green Island, to keep the French from thence, whilst he went to drive them off from other places. In his absence, some Frenchmen landed there; the guards would not suffer them to kill the birds, and told them they had no right to do so, upon which a quarrel ensued; the Englishmen endeavoured to carry the Frenchmen as offenders to their officer, and the Frenchmen got the upper hand; but reflecting on the unjustifiable act they had been guilty of, in landing on the king's territories, and forcibly carrying his subjects away, they brought them back again, and had the address to prevail on the men never to make a report of this affair to me. Some time after this happened, I received a letter from the Governor of St. Pierre's, to which he says, 'Les officiers qui servent sous vos ordres dans cette partie, ce sont parfaitment comportés depuis votre depart, ils n'ont rien entrepis d'opposer à la conduite, que nous avons a tenir reciproquement.' So that I conclude this story cannot have been reported to the Court of France by him, though he is ready enough to complain, but has been framed by some other person disposed to raise disputes; and why the French court should make such a story the foundation for a memorial, and seriously require the king's subjects to be punished, whilst their own statement of the matter shows that their people are the aggressors, I am at a loss to account for; but I hope it may serve to show, that however industrious the Court

of France may be in seeking for matters to create disputes between the two nations, it is plain that they can find no real cause for complaints.*

"I remain, Sir,

"Your most obedient Servant,

"HUGH PALLISER."

The conduct of Commodore Palliser met so entirely with the approbation of his Majesty, that each successive year of his government was marked by some reward. When he first embarked on this service, he had a broad pennant, but no other pay than that of the Captain of a fifty-gun ship. The second year ten shillings a day was allowed him for the broad pennant; the third he was allowed a captain under him, and received the pay of a rear-admiral, with the additional allowance of table-money, and the two years he was retained in this office beyond the usual period, 500*l.* a year was allowed him as governor, in addition to his naval pay. Charnock observes, "That the wise and salutary laws which he caused to be enacted for the benefit of his country, and the comfort and happiness of the poor fishermen in Newfoundland during his government of that island, are proofs of a sound mind, and a humane and benevolent disposition."†

One of the duties which, by the orders of the Lords Commissioners of the Admiralty devolved on the commodore when appointed to the naval command on this station, was to have an accurate survey executed of

* Admiralty Records. † Charnock *in voce* Palliser.

the whole shores of Newfoundland and Labrador, as the charts of those parts of the North American coast were very imperfect, and it was highly necessary for the extensive trade carried on by the English in that part of the world, that others more correct should be published. The diligence and ability which Mr. Cook displayed in accomplishing a survey of the River St. Lawrence, under the guidance of his early friend Captain Palliser, marked him at once as being eminently suited for the performance of this scientific and important service.

After the taking of Quebec, Cook was appointed master of the Northumberland, commanded by Lord Colville, and during the three years he remained in this ship, the leisure afforded him by her being in port the whole winter, was unremittingly devoted to those studies which qualified him for the future great undertakings he was destined to be engaged in. To geometry and astronomy he applied himself with that persevering industry peculiar to his character; and whilst engaged in the active duties of master on board the Northumberland, he found sufficient time to read "Euclid," and to remedy, by other intellectual efforts, the defects of a neglected education.

The recommendation of Commodore Palliser was willingly acceded to by the Admiralty, and Mr. Cook was appointed Marine Surveyor of Newfoundland and the coast of Labrador, under his orders. A suitable establishment was provided for Cook on shore, and a schooner was placed under his command, with the necessary assistants on board for so extended an operation.

His observations were not limited, however, to the coast, for he penetrated and explored the innermost parts of Newfoundland, and discovered some large lakes hitherto unknown. On the following application from Commodore Palliser, the Lords of the Admiralty immediately sanctioned the publication of the different charts that Cook had projected, which, from their accuracy and usefulness, reflected the greatest credit upon this accomplished seaman.

To Philip Stephens, Esq., Admiralty.

"February 3, 1768.

"Sir,

"Mr. Cook, appointed by the Right Honourable my Lords Commissioners of the Admiralty to survey the sea-coast of Newfoundland and Labrador, under my directions, having finished his chart of the south-east coast of Newfoundland adjacent to the islands of St. Pierre, and including the said islands, and upon a large scale of one inch to a mile, you will herewith receive the said chart, which be pleased to lay before the Right Honourable the Lords Commissioners of the Admiralty.

"He having also the last year delivered into the board, his survey of the northern part of Newfoundland upon the same scale, and having now prepared a chart of that part, together with a chart of the opposite part of the coast of Labrador, including the islands and Straits of Belle Isle; likewise another of the above-mentioned survey of a part of the south-east of Newfoundland, both upon a proper scale to be useful to the trade and navigation of his Majesty's

subjects, therefore, as a publication of the same, I am of opinion, will be a great encouragement to new adventurers in the fisheries upon these coasts, be pleased to move their lordships to permit Mr. Cook to publish the same*

"I remain, Sir,
"Your most obedient servant,
"HUGH PALLISER."

Before Cook quitted his station of marine surveyor of Newfoundland and Labrador, he had made an observation of an eclipse of the sun, deducing therefrom the longitude of the place, and he furnished the Royal Society, amongst whom he had already acquired the reputation of being an able mathematician, with a paper on the subject, which is inserted in the fifty-seventh volume of the "Philosophical Transactions," and which indicated the extraordinary progress he had made in the study of astronomy.

On the return of Commodore Palliser to England, another opportunity was afforded him of promoting the interests of Cook, and of conducting him to employments from which has emanated the lasting fame so justly earned by that celebrated navigator.

The invention of the mariner's compass, about the year 1300, led to that spirit of discovery which distinguished the latter end of the fifteenth and the beginning of the sixteenth centuries. Three illustrious foreigners, Columbus, Vasquez de Gama, and Magellan, rendered their names immortal by opening a vast

* Admiralty Records.

field for maritime enterprise hitherto supposed to have lain only in the wild imaginations of restless adventurers. Columbus traversing unknown seas, made astonished Europe acquainted with another world, the existence of which—whilst he traversed Europe for years in search of some prince who would promote his lofty views—the learned and devout were accustomed to denounce as the visionary and impious conceit of that enthusiastic mariner. Vasquez de Gama, in the service of Portugal, doubled the Cape of Good Hope, and pointed a new and unexplored path to the east. Whilst Magellan, in the service of Spain, entered the great South Pacific through the straits that now bear his name, and his ship, returning by the Cape of Good Hope, was the first to circumnavigate the globe, the glory of which Magellan, who was murdered by the savages of one of the Philippine islands, was himself deprived of enjoying.

Towards the latter end of the sixteenth century, the noble spirit which animated those daring seamen began to decline, and distant navigations were undertaken, chiefly for the purposes of war or for the promotion of the avaricious views of reckless freebooters.

In the reign of George II. expeditions for discovery were again guided by more generous impulses, and voyages were undertaken, not with the object of plundering the defenceless inhabitants of newly explored lands, but with that of benefitting the human species, and extending the ameliorating influence of science and civilisation to the haunts of savage life.

Voyages had been performed in this reign, with the view of finding a north-west passage through Hudson's

Bay, and after the accession of George III. two voyages round the world were undertaken and conducted by Byron, Wallis, and Carteret. But as the principal object of these navigators was to explore and take possession of the islands in the South Atlantic Ocean, named the Falkland Islands, and to return by the East Indies, their discoveries in the Pacific Ocean were thus limited in extent.

Astronomers having calculated that a transit of Venus over the sun's disk would take place in 1769, which would be best observed in some part of the South Seas, either at the Marquesas or the Friendly Islands; the observation of this transit in different parts of the world was a matter in astronomy of sufficient consequence to excite the attention of foreign nations as well as our own, and the Royal Society addressed a long memorial to the king, dated February, 1768, pointing out the great scientific importance of this phenomenon, which occupied the attention of the principal Courts of Europe; and they entreated his Majesty that a vessel might be ordered at the expense of government, to proceed to the South Seas with persons capable of making the desired observation.

His Majesty readily acceded to the request of the Royal Society, and signified his desire to the Lords of the Admiralty, that a ship should be equipped for the purpose of carrying out those selected by the members of the society for the prosecution of their object.

The scientific acquirements of Cook, superadded to his nautical abilities, pointed him out as being eminently qualified for such a service. The opinion of

Commodore Palliser was taken by the Lords of the Admiralty, as one who had such certain means of being informed of the extent of Cook's capacity, and he rejoiced that the occasion presented itself when he could again bear testimony to the high character, talent, and untiring perseverance of this able navigator. Cook was therefore appointed to the command of the expedition, and promoted at the same time to the rank of lieutenant.

The task of procuring a vessel adapted for the undertaking was consigned to Palliser, who, after an examination of several merchantmen in the River Thames, selected one of about 400 tons burden, which was named the Endeavour.

Mr. Green, the astronomer, was associated with Cook in conducting the astronomical part of the enterprise, and he was to be accompanied by Mr. Banks, afterwards Sir Joseph Banks, and Dr. Solander of the British Museum—a gentleman distinguished for his knowledge of natural history and botany.

Whilst preparations were being made for this expedition, Captain Wallis returned from a voyage round the world, and the president of the Royal Society having directed him to ascertain a situation in the Pacific, best adapted from the general clearness of the atmosphere for the observations of the transit of Venus, he adjudged Otaheite to be most eligible. Cook, therefore, received orders to proceed to that island direct, and as soon as the astronomical observations were completed, to prosecute the design of making discoveries in the Pacific Ocean as far as forty degrees south; and then, if no land should be fallen in with, to

shape his course for New Zealand, which he was to explore.

Lieutenant Cook took command of the Endeavour on the 25th of May; his ship's company amounted to eighty men; provisions for two years were put on board, and the armament consisted of ten carriage, and ten swivel guns, with an adequate supply of small arms and ammunition. On the 30th of July she sailed down the river, and at the latter end of the ensuing month she made sail from Plymouth Sound, and proceeded on her voyage.

Towards the end of the following year, on the removal of Commodore Palliser from the Government of Newfoundland, he was appointed Comptroller of the Navy, and at the same time was elected an Elder Brother of the Trinity House. The civil departments of the service now engaged his active faculties, and the prosecution of those great maritime discoveries, for which the years intervening between the peace of 1763, and the renewal of war in 1778 are signalized, was an object to which he assiduously devoted himself.

Shortly after his appointment to this office at the navy-board, the administration of Lord North was formed. Lord Sandwich was placed at the head of the Admiralty, and the influence of that enlightened nobleman was exercised in forwarding those noble enterprises, which extended the boundaries of science in the learned world, and shed the first rays of civilisation upon regions, where human nature lay buried in all the degrading darkness of savage existence,—services conferring more lustre on his memory, than the vigorous measures even which marked his guidance of

the naval might of England, when directed for purposes of war against the combined forces of two powerful maritime nations.

The expedition under the command of Lieutenant Cook having completed their observations on the transit of Venus, proceeded to effect the other objects of the voyage. The Society Islands were visited, the eastern coast of New Zealand was examined, and thence directing their course to New Holland, the eastern side of that vast island never before explored, was now surveyed, and Cook having sailed along the barrier reef at its northern extremity, entered the opening at present named Torres Straits, and successfully navigating that dangerous passage, returned home by the Cape of Good Hope, and arrived in England in July.

The manner in which this enterprise had been conducted by Cook, corresponded with the expectations of his early friend and former commander, and with his own previous character for energy and ability. His papers relating to the transit observations, together with those of Mr. Green, were placed in the hands of the astronomer royal, and a further paper from Cook, on the nature of the tides in the South Sea, was communicated to the Royal Society.

These services met with their just reward, and the immediate promotion of Cook to the rank of commander took place on his arrival. Although he had sailed over those latitudes in the Pacific Ocean where a southern continent was then generally believed to lie, and had ascertained that neither New Zealand nor New Holland were parts of such a continent, still the existence of this Terra Australis incognita, which had engaged the atten-

tion of most of the maritime powers for nearly two centuries, was maintained by philosophers; and geogaphers seemed to have an universal belief that it would at length be discovered.

When government resolved to establish, if possible, the truth of this great geographical question, which was calculated to extend our knowledge of the globe to its utmost limits, Cook was at once selected to carry their resolution into effect, and Palliser, in his capacity of Comptroller of the Navy, was deputed by the Admiralty to provide two ships of a similar construction to that of the Endeavour, which proved to be admirably adapted for the purposes of the contemplated expedition to the Polar Seas.

Accordingly two vessels were purchased by him which were named, the Resolution and Adventure, and in fitting them out for so arduous and perilous an undertaking, every circumstance was attended to that could promote the comfort and success of the voyage. Lord Sandwich, accompanied by Commodore Palliser, visited them frequently in the course of their equipment, and the wishes of Cook, who had taken command of the Resolution, were strictly regarded in every particular.

To the officers and men on board the ships, which in the Resolution amounted to one hundred and twelve, and in the Adventure to eighty-one, were added persons skilled in natural history, astronomy, and mathematics. And artists were engaged to delineate the most striking scenes, and the extraordinary productions of nature that would present themselves in

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the wild regions they visited, and to illustrate objects that could not otherwise be fully described.

Commodore Palliser took leave of Cook at Plymouth, having handed him his instructions from the Admiralty, embracing the most extended scheme of discovery that the history of navigation records. Not only was the whole globe to be circumnavigated, but the boldest and most persevering efforts that the intrepid and skilful seaman who commanded the enterprise was capable of, were to be used in solving the question of the existence of a great continent at the southern extremity of the earth.

Captain Cook had no sooner sailed for the south, than the Admiralty projected an expedition to the Northern Seas, the object of which was to ascertain how far navigation was practicable under the North Pole.

The most celebrated philosophers and navigators of their time had contended, that a communication between the Atlantic and the Pacific must exist in the northern hemisphere, connecting the two great oceans, as the Straits of Magellan connected them in the southern. Sebastian Cabbot, one of the most renowned navigators of the fifteenth century, was so convinced of this, that he proposed the discovery of that passage to Henry VII., who equipped an expedition for the purpose, and though the mutiny of his crew, after reaching the sixty-eighth degree of northern latitude, forced him to abandon the enterprise, his perseverance in the undertaking was rewarded by the king, who created a new office for the purpose, and appointed him Grand Pilot of England, with an annuity for life.

The attention of the maritime nations of Europe was too much engaged in discoveries amongst the fruitful regions which Magellan and Vasquez de Gama had led the way to, round the southern extremity of South America and Africa, to promote any enterprise that had reference only to the barren countries of the north. However, as the commerce of the east increased and became lucrative, the desire of shortening the passage thither, excited the emulation of those interested in the traffic of India, and a body of London merchants appointed Captain Davis, in the year 1585, to conduct a voyage northward with that design in view. This navigator passed the straits that still bear his name, and advanced as high as sixty-seven degrees north, in an open sea, the shores of which he explored till winter, with its perpetual snow and ice setting in, obliged him to return.

Two other voyages in the same direction, equally unsuccessful, repressed for awhile this favourite pursuit; but in the year 1610, Hudson adopted a new course to the north-west, which led him through the passage into that bay, which, as well as the passage, was named after him.

This resolute navigator determined upon passing a winter on the desolate shores of the bay, in order to prosecute his discovery the first favourable moment of the following summer; but his crew mutinied, and cast him adrift in a boat with a few who faithfully adhered to their commander, and the remainder returned with the ship to England, giving so false an account of the voyage, that the existence of a passage to the Pacific was looked upon as no longer doubtful. Baffin therefore

set sail, resolved to have the honour of the discovery, but steered for Davis's Straits, and having entered, he found the sea within to be bounded all round by a barren coast, with the exception of an inlet from the north, in latitude seventy-eight degrees.

The Hudson's Bay Company was then established, whose charter obliged them to follow up this inquiry; and about the middle of the following century, an act was passed, insuring a reward of 20,000*l.* sterling, to any ship belonging to his Majesty's subjects, which would determine the existence of such a passage.

With this reward to stimulate the pursuit, two ships were fitted out, as a last attempt, by the Hudson's Bay Company, and having examined every inlet bearing the slightest appearance of a navigable strait, they reached the extremity of a gulf as far as the sixty-seventh degree of north latitude, beyond which no communication between the Atlantic and Pacific Oceans, in a commercial point of view, could be of any use; they therefore relinquished any further search, and returned as all their predecessors, in the same inquiry had returned, with a sorrowful account of the hardships they had endured, and the dangers they had encountered.

The Hudson's Bay Company therefore abandoned any future attempt in pursuit of this object by sea, but instituted an expedition by land for the purpose; and whilst they were thus engaged, the Admiralty, encouraged by the Royal Society, determined upon another expedition to the North, the chief object of which was to ascertain how far navigation was practicable under the Pole.

It was then imagined that the sun in those regions, having about the middle of summer thirty-three degrees of altitude, with little depression towards the horizon, might invigorate that part of the hemisphere with more heat than in our climate, where it has only fifteen degrees of altitude in the winter, and is sixteen hours below the horizon, in which space of time the earth would lose by radiation, the heat it received during the day. This consideration was coupled with the belief, that about the year 1670, several Dutch ships had actually sailed under the Pole, and the merchants of Holland grounded a petition thereon, for the exclusive charter to trade to China and Japan by the northern passage.

The Honourable Captain Phipps, afterwards Lord Mulgrave, as soon as the design was spoken of, proffered his services to carry it into execution. He was therefore appointed to the Race-Horse, and proceeded on his voyage about the middle of June. Captain Phipps reached the latitude of eighty degrees and a half north, when his ship became locked in the ice, and apprehensions were entertained of their being compelled to pass the winter in this situation. By great labour and perseverance, a passage was at length made, which enabled them to get out to sea, and the voyage thus terminated without any important discovery.

The commander concludes his account of the expedition, by observing, "That by setting out just at the proper season, they not only reached the eightieth degree of latitude without meeting any obstruction from the ice, but they had likewise time sufficient to examine the track of icy coast between the latitudes eighty and

eighty-one north, extending more than twenty degrees from west to east, in which there did not exist the least opening, the whole being one continued wall of ice, impassable by human art."*

The leading part Commodore Palliser had taken in the promotion of the exploring expeditions set on foot after the peace, and the nautical and geographical knowledge he displayed in directing the equipments, and preparing the instructions under which the commanders were to act, induced his Majesty to mark the sense he entertained of those services of Palliser in the civil branches of his profession, by creating him a Baronet of Great Britain, which honour was followed by his being chosen Member for Scarborough, at the general election that took place shortly afterwards.

The ensuing year a promotion of flag-officers occurred, amongst whom Sir Hugh Palliser was included, and he was advanced to the rank of rear-admiral, being appointed at the same time one of the Lords of the Admiralty. About this period he had to mourn the death of his greatest friend, Admiral Charles Saunders, who bequeathed him a legacy of 5000*l.* in affectionate remembrance of their services together at the siege of Quebec and in the Mediterranean, nominating him also one of the executors of his will. Sir Hugh Palliser succeeded Admiral Saunders in the office of Lieutenant-general of Marines. This office, and that of General of Marines, were sinecure appointments, and had been created by a former government, for the sole pur-

* Journal of a Voyage to the North Pole. By the Honourable Captain Phipps.

pose of their being conferred in reward of distinguished professional merit ; and the selection of Sir Hugh Palliser, as the successor of Saunders, gave such umbrage to Admiral Keppel, that he took upon himself to address a letter of remonstrance to Lord Sandwich on the subject ; and in the favour shown Palliser by the king and the first Lord of the Admiralty on future occasions, and on this one in particular, originated those feelings of envy and animosity, which, though concealed for a time, were fully brought to light by the unscrupulous endeavours of Keppel at a later period,—even under the mask of friendship,—to blast his reputation by secret and false insinuations.

The position of Sir Hugh Palliser, as one of the Lords of the Admiralty, enabled him to advance materially the interests of Captain Cook, who had returned from his perilous voyage, having made a circuit of the Southern Ocean in the highest latitude hitherto traversed, and having ascertained the impossibility of there being a continent unless near the Pole. By twice visiting the islands within the tropics whilst engaged in this leading pursuit, he made many new discoveries, and determined the situation of several lands formerly visited. The existence, however, of the Terra Australis incognita, maintained by philosophers, was still left undecided ; but the expedition conducted by Cook had demonstrated, that a country situated in that remote part of our earth, was doomed by nature to lie buried in the desolation of the snows and ice of an everlasting winter.

The late discoveries of Captain Ross have fully established the correctness of the theory, that lofty

regions were situated near the South Pole; but those discoveries have also proved that snow-storms, intense cold, perpetual ice, the gloom of months of unmitigated darkness, and every thing dangerous and destructive to human life—exclude man from all beyond a mere knowledge of their existence.

The merits of Cook scarcely needed the solicitation of so warm a friend as Sir Hugh Palliser, to induce the first Lord of the Admiralty to reward the man who, for three years, had been engaged in such hazardous and important undertakings; and he was promoted immediately on his return to the rank of post-captain, receiving also the further honour of being appointed Captain of Greenwich Hospital.

A northern passage to the Pacific Ocean still remained undecided. Lieutenant Pickersgill had been engaged in exploring the shores of Baffin's Bay with the usual unsuccessful issue, but it was not yet rendered certain that a passage might not be discovered on the western side of America, leading from the Pacific into the Atlantic, and the Lords of the Admiralty resolved that a voyage should be undertaken for that purpose.

At a meeting of the Academy of Sciences at Paris, a curious memoir was read concerning this object of so much interest to navigators. It appeared that M. de Mendoza, an intelligent captain of a vessel in the service of Spain, charged with the care of former establishments favourable to the marine, had made a minute examination of the archives of several departments. There he found the relation of a voyage made in the year 1598, by Lorenzo Herrero de Maldonada, which states, "that at the entry into Davis's Straits, north lati-

tude sixty degrees, and twenty-eight degrees of longitude counting from the first meridian, he turned to the west, leaving Hudson's Bay on the south, and Baffin's Bay on the north. Arrived at latitude sixty-five degrees and two hundred and ninety-seven, he went towards the north by the Straits of Labrador, till he reached seventy-six degrees, and two hundred seventy-eight degrees; and finding himself in the Icy Sea, he turned south-west to latitude sixty degrees, and longitude two hundred and seventy-five degrees, where he found a strait, which separates Asia from America, by which he entered into the south sea, which he called the Straits of Anian."

Notwithstanding the many fruitless attempts that had already been made in that direction, Lieutenant Young was despatched to examine the western parts of Baffin's Bay, whilst the projected expedition was to proceed in search of an inlet from the Pacific.

It was thought unreasonable, however desirous the Lords of the Admiralty might be of availing themselves of his extensive knowledge and experience, to ask Cook to relinquish his post of honourable retirement at Greenwich Hospital, and engage once more in the numerous perils and labours that such an enterprise would involve; but it was decided to take him into consultation, and he and Sir Hugh Palliser were invited to dine with Lord Sandwich, when the arrangements for the voyage were to be discussed, and a person was to be selected who might be deemed capable of conducting this grand discovery.

The views which government purposed to carry into operation were no sooner developed to Cook, than

the greatness of the adventure and the importance of the result to science and navigation, aroused all the enterprising feelings of this intrepid seaman. The life of repose which after so many toils and dangers he might have enjoyed in the honourable retirement provided for him by his Sovereign, was abandoned for the glory and excitement of the vast enterprise submitted to him by his noble host, and with that earnest energy of manner for which he was remarkable, he declared that he himself would undertake the command of the expedition.

The offer was eagerly embraced and laid before the king, who unhesitatingly approved of Captain Cook being entrusted with the guidance of this favourite object of investigation.

The duty devolved upon Sir Hugh Palliser of drawing up the instructions under which Cook was to sail, and they comprise so enlarged a sphere of discovery, and embrace such a variety of operations to be carried into effect, that the composition indicates no ordinary talent, and is well worthy of perusal.

" Secret instructions of Captain James Cook, commander of his Majesty's ship, the Resolution.

" Whereas, his Majesty's pleasure has been signified to us, that an attempt should be made to find out a northern passage by sea, from the Pacific to the Atlantic Ocean: and whereas, we have, in pursuance thereof, caused his Majesty's sloops, Resolution and Discovery, to be fitted in all respects proper to proceed upon a voyage for the purpose above-mentioned; and from the experience we have had of your abilities and good-conduct in your voyages, have thought fit to entrust you

with the conduct of the present intended voyage, and with that view appointed you to command the first-mentioned sloop, and directed Captain Clarke, who commands the other, to follow your orders for his further proceedings; you are hereby required and directed to proceed with the said two sloops directly to the Cape of Good Hope, unless you shall judge it necessary to stop at Madeira, the Cape de Verde, or Canary Islands, to take in wine for the use of their companies; in which case you are at liberty to do so, taking care to remain there no longer than may be necessary for that purpose. On your arrival at the Cape of Good Hope, you are to refresh the sloop's companies, and cause the sloops to be supplied with as much provisions and water as they can conveniently stow. You are, if possible, to leave the Cape of Good Hope by the end of October, or the beginning of November next, and to proceed to the southward in search of some islands, said to be lately seen by the French in the latitude of forty-eight degrees south, and about the meridian of Mauritius. In case you find those islands, you are to examine them thoroughly for a good harbour; and upon discovering one, make the necessary observations to facilitate the finding it again, as a good port in that situation may hereafter prove very useful, although it should afford little or nothing more than shelter, wood, and water. You are not, however, to spend too much time in looking out for those islands, or in the examination of them, if found, but to proceed to Otaheite, or the Society's Isles, (touching at New Zealand in your way thither, if you should judge it necessary and convenient,) and taking care to arrive there time

enough, to admit of your giving the sloops' companies the refreshment they may stand in need of, before you prosecute the further object of these instructions upon your arrival at Otaheite, or the Society's Isles, you are to land Orinah at such of them as he may choose, and to leave him there.

"You are to distribute among the chiefs of those islands such parts of the presents with which you have been supplied as you shall judge proper, reserving the remainder to distribute among the natives of the countries you may discover in the northern hemisphere; and having refreshed the people belonging to the sloops under your command, and taken on board such wood and water as they respectively stand in need of, you are to leave those islands in the beginning of February, or sooner, if you shall judge it necessary, and then proceed in as direct a course as you can to the Coast of New Albion, endeavouring to fall in with it in the latitude of forty-five degrees north, and taking care in your way thither not to lose any time in search of new lands, or to stop at any you may fall in with, unless you may find it necessary to recruit your wood and water. You are also in your way thither strictly enjoined not to touch upon any part of the Spanish dominions or the western continent of America, unless driven thither by some unavoidable accident; in which case you are to stay no longer there than shall be absolutely necessary, and to be very careful not to give umbrage or offence to any of the inhabitants or subjects of his Catholic Majesty. And if in your farther progress to the northward, as hereafter directed, you find any subjects of any European prince or state upon any part

of the coast you may think proper to visit, you are not to disturb them, or give them any just cause of offence, but, on the contrary, to treat them with civility and friendship. Upon your arrival on the coast of New Albion, you are to put into the first convenient port, to recruit your wood and water, and to procure refreshments, and then to proceed northward along the coast as far as the latitude of sixty-five degrees, or farther, if you are not obstructed by lands or ice, taking care not to lose any time in exploring rivers or inlets, or upon any other account, until you get into the before-mentioned latitude of sixty-five degrees, where we could wish you to arrive in the month of June next. When you get that length, you are very carefully to search for, and to explore such rivers or inlets as may appear to be of a considerable extent, and pointing towards Hudson's or Baffin's Bay; and if, from your own observations, or from any information you may receive from the natives (who, there is reason to believe, are the same race of people, and speak the same language, of which you are furnished with a vocabulary, as the Esquimaux), there shall appear to be a certainty or even a probability of a water passage into the afore-mentioned bays, or either of them, you are in such case to use your utmost endeavours to pass through with one or both of the sloops, unless you shall be of opinion, that the passage may be effected with more certainty, or with greater probability, by smaller vessels, in which case you are to set up the frames of one or both the small vessels with which you are to be provided, and when they are put together, and are properly fitted, stored,

and victualled, you are to despatch, one or both of them, under the care of proper officers, men and boats, in order to attempt the said passage; with such instructions for their rejoining you, if they should fail, or for their further proceedings if they should succeed in the attempt, as you shall judge most proper. But, nevertheless, if you shall find it more eligible to pursue any other measures than those above pointed out, in order to make a discovery of the above-mentioned passage (if any such there be), you are at liberty, and we leave it to your discretion to pursue such measures accordingly. In case you shall be satisfied that there is no passage through the above-mentioned bays, sufficient for the purposes of navigation, you are, at the proper season of the year, to repair to the port of St. Peter and St. Paul in Kamtschatka, or wherever else you shall judge more proper, in order to refresh your people and to pass the winter; and in the spring of the ensuing year, 1778, to proceed from thence to the northward, as far as in your prudence you may think proper, in further search of a north-east or north-west passage from the Pacific Ocean or the North Sea. And if, from your own observation, or any information you may receive, there shall appear to be a probability of such passage, you are to proceed as above directed; and having discovered such passage, or failed in the attempt, make the best of your way back to England by such route as you may think best for the improvement of geography and navigation, repairing to Spithead with both ships, where they are to remain till further order. At whatever places you may touch in the course of your voyage, where accurate observations

of the nature hereafter mentioned have not already been made, you are, as far as your time will allow, very carefully to observe the true situation of such places both in latitude and longitude; the variation of the needle, bearings of headlands, height, direction, and course of the tides and currents; depths and soundings of the sea; shoals, rocks, &c., and also to survey, make charts, and take views of such bays, harbours, and different parts of the coast. And to make such notations thereon as may be useful either to navigation or commerce. You are also carefully to observe the nature of the soil and the produce thereof; the animals and fowls that inhabit or frequent it; the fishes that are to be found in the rivers, or upon the coast, and in what plenty; and in case there are any peculiar to such places, to describe them as minutely, and to make as accurate drawings of them, as you can; and if you find any metals, minerals, or valuable stones, or any extraneous fossils, you are to bring home specimens of each; as also of the seeds of such trees, shrubs, plants, fruits, and grains, peculiar to those places, as you may be able to collect, and to transmit them to our secretary, that proper examination and experiments may be made of them. You are likewise to observe the genius, temper, disposition, and number, of the natives and inhabitants, where you find any, and to endeavour, by all proper means, to cultivate a friendship with them; making them presents of such trinkets as you may have on board, and they may like best; inviting them to traffic, and showing them every kind of civility and regard, but taking care nevertheless, not to suffer yourselves to be surprised by them,

but to be always on your guard against any accidents. You are also with the consent of the natives, to take possession, in the name of the King of Great Britain, of convenient situations in such countries as you may discover that have not already been discovered, or visited by any other European power; and to distribute among the inhabitants such things as will remain as traces and testimonies of your having been there; but if you find the countries so discovered are uninhabited, you are to take possession of them for his Majesty, by setting up proper marks and inscriptions as first discoverers and possessors. But forasmuch as in undertakings of this nature, several emergencies may arise, not to be foreseen, and therefore not particularly to be provided for by instructions beforehand, you are, in all such cases, to proceed as you shall judge most advantageous to the service on which you are employed. You are by all opportunities to send to our secretary, for our information, accounts of your proceedings, and copies of the surveys and drawings you shall have made, and upon your arrival in England, you are immediately to repair to this office, in order to lay before us a full account of your proceedings in the whole course of your voyage; taking care before you leave the sloop, to demand from the officers and petty officers, the logbooks and journals they may have kept, and to seal them up for our inspection; and enjoining them and the whole crew, not to divulge where they have been, until they shall have permission so to do; and you are to direct Captain Clarke to do the same with respect to the officers, petty officers, and crew of the Discovery. If any ac-

cident should happen to the Resolution in the course of the voyage, so as to disable her from proceeding any farther, you are in such case to remove yourself and her crew into the Discovery, and to prosecute your voyage in her; her commander being hereby strictly required to receive you on board, and to obey your orders the same in every respect as when you were actually on board the Resolution; and in case of your inability, by sickness or otherwise, to carry these instructions into execution, you are to be careful to leave them with the next officer in command, who is hereby required to execute them in the best manner he can.

" SANDWICH,
" H. PALLISER.

" Given under our hands, the 6th day of July, 1776, by command of their lordships, the commissioners for executing the office of Lord High Admiral of Great Britain and Ireland."

The usual attention was paid to the equipment of the Resolution and Discovery, the former of which Cook took the command of. An assortment of domestic animals, garden-seeds, and other articles calculated to be of use to the natives of the lands he was to visit, were put on board, and every suitable provision was made for the scientific departments of the expedition.

Foreign nations were as deeply interested as our own in the results of this enterprise. About the time that Captain Cook was expected to have been on his way home, hostilities had commenced between England and her American colonies, then in alliance with France,

and orders were issued by the French government that Cook should on no account be molested by any of their ships that might happen to meet him. The privateers of America were then also sweeping the seas in every direction, and the following official letter was written by Franklin, to prevent any interruption if he should happen to fall into their hands:

"*To all Captains and Commanders of Armed Ships, acting by Commission from the Congress of the United States of America, now in war with Great Britain.*

"Gentlemen,

"Ships having been fitted out from England, before the commencement of this war, to make discoveries of new countries in unknown seas, under the conduct of that most celebrated navigator, Captain Cook. An undertaking truly laudable in itself, as the increase of geographical knowledge facilitates the communication between distant nations, in the exchange of useful products and manufactures, and the extension of arts, whereby the common enjoyments of human life are multiplied and augmented, and science of other kinds increased, to the benefit of mankind in general. This is, therefore, most earnestly to recommend to every one of you, that in case the said ships, which are now expected in the European seas on their return, should happen to fall into your hands, you would not consider them enemies, nor suffer any plunder to be made of the effects contained in them, nor obstruct their immediate return to England, by detaining them or sending them

into any other port of Europe and America; but that you would treat the said Captain Cook and his people with all civility and kindness, affording them as common friends to mankind, all the assistance in your power, which they may happen to stand in need of.

"In so doing, you will not only gratify the generosity of your own dispositions, but there is no doubt of your obtaining the approbation of the Congress and your own American owners.

"I have the honour to be,
"Gentlemen,
"Your most obedient, &c.,
"B. FRANKLIN,
"Minister Plenipotentiary from the Congress of the United States to the Court of France."

"The generous proceeding of Dr. Franklin in writing this letter," observes his biographer, "became well known in England, and the sentiments it manifested were so much approved of by the government there, that when the narrative of Cook's voyage was printed, the Admiralty sent Dr. Franklin a copy of it in three volumes, quarto, accompanied with a very polite letter from Lord Howe, signifying that the present was made with his Majesty's express approbation; and the Royal Society having, in honour of that illustrious navigator, who was one of their members, struck some gold medals to be distributed among his friends, and the friends of the voyage; one of these medals was also sent to Dr. Franklin, by order of the society, together with a letter from their President, Sir Joseph Banks, expressing like-

wise that it was sent with the approbation of his Majesty."

When Captain Cook took leave of Sir Hugh Palliser to proceed on this voyage—from which it was doomed he should never return—he presented his earliest friend and patron with the journals of his two previous voyages; they now lie before the author, and consist of two volumes, including charts and drawings of many of the distant lands he visited. The manuscript is in Cook's own handwriting; every object and circumstance described with the greatest accuracy and minuteness, and are in themselves an evidence—composed as they daily were amidst scenes of peril and excitement—of the cool judgment, the extraordinary self-possession, and unchanging firmness of mind, which, in the most stirring and hazardous moments, characterized that intrepid mariner.

His untimely end at the Island of Owhyee, where he fell, pierced by the dagger of a savage Indian, is familiar to every English reader; and that valuable life fell a sacrifice to the high sense of duty and humanity, which led him in every danger, to consider the safety of his men before his own; for in keeping the savages at bay whilst he warned the party by whom he was accompanied to their boats, the fatal blow was given him.

Though statues have been raised amongst us to perpetuate the memory of statesmen and warriors, the distinguished seaman, whose life was thus lost in the performance of such enduring services, was left by his country without a public testimony of the vast under-

takings he so successfully conducted. But this neglect was felt by him, who had marked the man in his obscurity on board the Eagle, and had watched over his progress to distinction: the affection of his old commander repaired the nation's forgetfulness, and a monument to the memory of Cook was erected on the most elevated part of the Vache Park, in Buckinghamshire, by Admiral Palliser, formed of a square block, surmounted by a globe, and enclosed by a neat, but simple roofed building, open at the four sides, which are turned in arches. The structure crowns an elevated mound, surrounded by a moat, with a rustic drawbridge, and forms a picturesque object from the admiral's house and the adjoining grounds.

It bears the following inscription, indited by his friend :

NORTH.

TO THE MEMORY OF

CAPTAIN JAMES COOK,

THE ABLEST AND MOST RENOWNED NAVIGATOR THIS OR ANY COUNTRY HATH PRODUCED.

He raised himself solely by his merit,
From a very obscure birth to the rank
Of Post-captain in the Royal Navy, and
Was unfortunately killed by the savages
Of the Island of Owhyee, on the 14th of February,
1779, which island he had not long before
Discovered, when prosecuting his third
Voyage round the globe.
He possessed, in an eminent degree, all the
Qualifications requisite for his profession
And his great undertakings; together with the
Amiable and worthy qualities of the best of men,

Cool and deliberate in judging—sagacious
In determining—active in executing—steady,
Persevering, and enterprising—vigilance and
Unremitting caution, unsubdued by labour,
Difficulties, or disappointments, marked his
Character. He was fertile in expedients,
Never wanting in presence of mind, always
Self-possessed, and commanding the full use
Of a sound understanding.

WEST.

Mild, just, but exact in discipline, he
Was a father to his people, who were
Attached to him from affection, and
Obedient from confidence.
He explored the southern hemisphere to
A much higher latitude than had ever
Been reached before, and with fewer accidents
Than frequently befall those who navigate
The coasts of this island.
By his benevolent and unabating attentions
To the welfare of his ship's company, he
Discovered and introduced a system
For the preservation of the health of seaman
On long voyages, which has proved
Wonderfully efficacious: for in his second
Voyage round the world, which continued
Upwards of three years, he lost only
One man by distemper out of one hundred and
Eighteen, of which his ships' company consisted.
The object of his last mission was to discover
And ascertain the boundaries of Asia and
America, and to penetrate into the Northern
Ocean by the north-east Cape of Asia.
Traveller! contemplate, admire, revere, and
Emulate this great Master in his profession,
Whose skill and labours have enlarged
Natural philosophy; have extended nautical
Science, and have disclosed the long

SOUTH.

Concealed and admirable arrangements
Of the Almighty in the formation of this
Globe, and, at the same time, the arrogance
Of mortals, in presuming to account by
Their speculations, for the laws by which
He was pleased to create it. Beyond
All doubt it is now discovered that the
Same Great Being who created the
Universe by his fiat, ordained by the same
That our earth should keep a just poise, without
A corresponding southern continent,
And it does so. "He stretches out the
North over the empty space, and hangeth
The earth upon nothing."—*Job*, xxvi., 7.
If the arduous but exact researches
Of this extraordinary man have not
Discovered a new world, they have discovered
Seas unnavigated and unknown before.
They have made us acquainted with
Islands, people, and productions, of which
We had no conception. And if he has not
Been so fortunate as Americus to give his
Name to a continent, his pretensions
To such a distinction remain unrivalled,
And he will be revered while there
Remains a page of his own modest
Account of his voyages, and as long as
Mariners and geographers shall be

EAST.

Instructed by his new map of the
Southern hemisphere to trace the various
Courses and discoveries he has made.
If public services merit public acknowledgments, if the man who adorned and
Raised the fame of his country, is deserving
Of honours, then Captain Cook is entitled
To have a monument raised to his memory,
By a generous and grateful nation."

"Virtutis uberrimum alimentum est honos."
VAL. MAXIMUS, *Lib.* ii. *Cap.* 6.

CHAPTER V.

HOSTILITIES WITH AMERICA—ALLIANCE OF FRANCE WITH AMERICA.

Disputes with America—The Stamp Act—Franklin examined before the House of Commons—Passive Opposition of the Americans—A Duty levelled upon Tea—Breaking out of Hostilities—The Battle of Lexington—Declaration of American Independence—Warlike Preparations of France and Spain—Assembling of Parliament—Ministers attacked on the supposed inefficient State of the Navy—Replies of Lord North, Lord Mulgrave, and Sir Hugh Palliser—The Conduct of the Earl of Sandwich as First Lord of the Admiralty assailed—Defended by Lord North and Sir Hugh Palliser—Intelligence of the Surrender of the British Army at Saratoga—France unites with America—French Fleet under the Command of Count d'Estaing destined for America—Proceedings in the House of Lords—The Earl of Chatham's erroneous Representation of the State of the Navy—The Earl of Sandwich's satisfactory Proof of the Efficiency of the Naval Armament—Active Preparations for War at the different Ports—Letters from the Earl of Sandwich to the Secretary of the Admiralty.

1776 to 1778.

After the battle of Quebec, several vexatious measures were adopted by the British Parliament, for the regulation of the commerce of the American colonies, and the Stamp Act proposed by Mr. Grenville, in order to compensate the mother country for the expenses incurred during the war with the French in

Canada, met with universal opposition and dissatisfaction, on the grounds that taxation without representation was unconstitutional and oppressive.

The act, notwithstanding the outcry raised against it, was passed, which at once roused the Americans to a passive resistance of the law, but on the formation of the Rockingham Administration an attempt was made to repeal that odious impost.

On this occasion Franklin was examined before the House of Commons, and on being asked if no regulation involving a tax would be received by the colonists, he replied "Their opinion is that when aids to the crown are wanted, they are to be asked of the several assemblies, according to the old established usage, who will, as they have always done, grant them freely; and that their money ought not to have been given away without their consent, by persons at a distance, unacquainted with their circumstances and abilities. The granting aids to the crown is the only means they have of recommending themselves to their sovereign; and they think it extremely hard and unjust that a body of men, in which they have no representatives, should make a merit to itself, by giving and granting what is not its own but theirs, and thus deprive them of a right they esteem of the utmost value and importance, as it is the security of all their other rights."

However, though the Stamp Act was repealed, it was only on the principle of expediency, and parliament insisted upon its right not only to tax the colonies, but to bind them to every measure it should think fit to adopt, and other taxes were imposed of a

nature equally objectionable which aroused a feeling of very general indignation. The law rendered inoperative by passive opposition, was at length set at open defiance by the people of Boston, who destroyed some cargoes of tea about to be landed,—an article subject to the noxious import duty of three-pence per pound.

This act of violence was resented at home by the passing of a bill through Parliament, which made it illegal for shipping to enter the port of Boston. On the intelligence of this rigorous enactment reaching America, it became a signal for a general armed opposition to the British government. Washington placed himself at the head of a body of provincial troops, and regularly exercised them in the use of arms on the plains of Virginia. Assemblies met in the character of Congresses—provisions, ammunition, and arms were collected—but no blood was shed till the battle of Lexington was fought in April, 1775, which event rendered reconciliation hopeless.

The legislature of Massachussets, after that hostile encounter, passed a vote for raising a body of 30,000 men, and the grand question of a total separation from Great Britain, and the establishment of national independence was now universally agitated throughout the colonies. Jefferson, Adams, Franklin, Sharman, and Livingston, who had been chosen to consider whether this decisive step should be taken, concurred in the general feeling of the colonists, and that memorable document, the Declaration of Independence, couched in the clear, nervous diction for which the writings of Jefferson, its composer, are remarkable, was solemnly proclaimed in July, 1776.

France and Spain were not disposed to remain idle spectators of the unequal struggle between America and the Mother Country, and the warlike preparations being made in the different continental ports, indicated that an opportunity was only wanting to induce the former nations to engage in hostilities, and to side with the Americans in their endeavour to throw off the yoke of British dominion.

On the assembling of parliament at the close of this year, the debates relative to American affairs assumed the usual acrimony on both sides. The king opened the session with a speech expressive of the strongest feelings against the independence of the states.

In the course of the debates on the address, Colonel Barre, who opposed it, said, "He would turn from America to what he considered another important subject; the tremendous appearance of a war in Europe, and told the house, in a most peremptory tone, that a war of the most serious kind threatened this country; a war with the united powers of France and Spain; that the attack would shortly be made, and made within the hearing of those who sat in the house."

A laugh arising from the opposite benches, the colonel observed, with some warmth, "Gentlemen may laugh, but I dare predict that those who laugh now, will, in the moment of danger, be lying in tears, on their backs like cowards." He then declared that France was full two months beforehand with us in preparations, but we were entirely defenceless and unable to make any resistance should she soon begin. That the Noble Lord (North) shifted his ground so often, that there was no dependence on his information, and that

even now he had said, he relied on the present assurances of the pacific intentions of France, but that he did not know how soon she might alter her intention."

Lord North declared, "He firmly believed the court of Versailles, but as he was no prophet, he could not answer for events six months hence. The Noble Lord complained of having his words watched and thrown perpetually in his teeth."

Colonel Barre replied, "That as the ostensible minister of the crown, it would be extraordinary if his words were not watched. The minister of this country, he said, ought always to have information sufficient of what the French were about, to undertake to pronounce for six months, if he could not, his neck ought to be brought to the block. Had the minister information, he would ask, of a particular species of armament preparing by the French in the ports of France, which were immediately opposite and nearest this kingdom? He put it roundly, and it required immediate explanation. If the ministry had not the necessary information, they were not fit for their posts, and ought to hold them no longer. He entered into the state of our naval power, and asserted that we were by no means a match for France and Spain. He recommended the ministry, at all events, to make up matters with America, and observed, that in the last war we had 12,000 seamen from America, who would now, should France attack us, be fighting against us. Recall, therefore, he said, your fleets and armies from America and leave the colonists to the enjoyment of their liberties." This sentence created a louder laugh

than was formerly indulged in by the occupiers of the several official benches, which irritated the colonel so much, that he arraigned them with a want of manners, and declared he thought professed courtiers had been better bred.

He then again denounced vengeance, and after innumerable repetitions of the danger of our present situation, desired the ministry to appoint proper officers, and to place in command of the fleet an admiral who had once already saved his country, and he need not say that he meant Keppel.

Admiral Keppel said, "That things had an extremely disagreeable appearance. He asserted, from the most authentic information, that Spain had twenty-five ships of the line, but he believed them to be ill manned with marines. It was otherwise with France, who, from her military force, had always a sufficient number of men to serve on board her ships of war."

Lord Germaine in rising said, "He should give all the satisfaction in his power, not speaking from notes, relative to the state of our armament. The Right Honourable Gentleman who made the assertion is much mistaken in saying, that our twenty-three ships of the line are not half manned; they want only 1500 of their full complement; and twelve are fully manned, and there are no reasons for those numerous extravagant apprehensions which that honourable gentleman has stated so largely. I am further asked what are the numbers of the armies in America. The number under General Howe is 25,000, and he will be reinforced by 5000 more, which are near the American coast by this time. He has besides 2000 provincials. The

army in Canada amounts to 11,000 men." Another thing asked, is whether the administration knows any thing of particular preparations on the coast of France. "I have asked the Noble Lord by me (Lord North), and he knows nothing of any such, further than what is necessary for carrying the registered seamen to Brest, nor have I any intelligence of that sort."

Mr. Fox spoke at some length against the address, when the house divided. For the amendment, 87; against it, 242.

The house then formed itself into a committee of supply, when Mr. Buller moved, that 45,000 seamen, including 10,000 marines, be employed for the service of the ensuing year.

Mr. Lutterell observed, "That the naval strength of this nation for the protection of Great Britain and Ireland, was by no means equal to that publicly specified by some of the most responsible characters. So far from twenty-three ships of the line being fit for sea, as was asserted at the opening of Parliament by the first naval authority in Great Britain, and insisted on by the Noble Lord over the way (Lord George Germaine) on the first day of the session, we had not a sufficient number of men to complete the complements of thirteen sail of the twenty-three guard-ships. We shall be told, perhaps, that it is highly improper thus publicly to expose the weakness of our navy to those inimical powers. If there was a ray of hope that such specious falsehoods of government could impose upon the statesmen at the other side of the Channel, we might allow that we had, in the Noble Earl, the best Commissioner of the Admiralty that ever presided at the

board, so long as the safety of the nation depends upon concealing or disguising the truth. He would therefore move for an inquiry into his conduct."

Lord Mulgrave said, "He was glad to find the Honourable Member intended to move for a serious parliamentary inquiry into the conduct of his noble friend at the head of the Admiralty board; for whenever the truth came out, the Honourable Member, however prejudiced he was at this time by vague, ill-founded, and empty conjectures, would, if he had any candour in his nature, become a convert to a better founded and more just opinion, as the British nation had never known a Commissioner of the Admiralty equal to the present in capacity and meritorious services. He therefore wished the Honourable Member to move for a fair public test of the Noble Earl's conduct; and he, as the Noble Earl's friend, would stand as forward as any gentleman in opposition could, to second it."

Lord North also got up in behalf of Lord Sandwich. "His Majesty," he said, "had, in the Noble Earl, a very capable and zealous servant, who ought not to be thus attacked in his absence, and have imputations cast upon him, derived only from loose surmises and low newspaper abuse; and that if the Honourable Member would inform himself of the real desert of the Noble Earl, he must retract his assertions, and admit that the most laborious and eminent public services had been rendered by him to this empire since he came to the naval administration. Neither could any of his predecessors, upon the whole, boast of equal pretensions to the applause of his country, and to the respect of every unprejudiced individual."

Lord Palmerston spoke in support of Lord Sandwich and the present board of Admiralty, but said, "That in commending the Noble Earl's assiduity and talents, he would not be understood to detract in any degree from the praise due to Lord Hawke, with whom he had likewise been in office. Lord Sandwich acquitted himself in a manner becoming a man, who stood in the peculiar situation of having had the honour to serve his Majesty at the Admiralty board under three successive administrations."

Mr. Buller stated, "That the naval force in the British ports was sufficient for the defence of these dominions and the maintenance of our national honour, against any combined powers whatever that might attempt hostilities."

Sir Hugh Palliser closed the arguments in the committee, by saying, "That he hoped the house would repose confidence in the strength of our naval establishment at home, in the sufficiency of the ships and men, and in the zeal and abilities of the Noble Earl, the first Lord of the Admiralty."

Mr. Temple Lutterell followed up the attacks upon the naval administration by shortly afterwards introducing a bill for the manning of the navy in times of war. In the course of his arguments in favour of so desirable, though impracticable a measure, as providing for the exigencies of war without impressment, he observed, "That the unconstitutional effects, the oppression, and the inefficiency of levying men for the navy by an impress, were but too sensibly felt by the whole nation."

A valuable sea-officer, Governor Johnson, who is

a distinguished ornament of this legislature, and whose private and public character do real honour to human nature, having formerly treated of the practise of impressing, says, "It disgraces government, shocks the spirit of our constitution, and violates the laws of humanity; therefore every plan to obviate the evil, has a claim to a patient hearing and a candid discussion." After quoting the opinions of several naval officers on the subject, and on the many evils of the present system, he said, "The bill proposed, regulated the wages of seamen, enacted that any seaman who offered himself voluntary, should not be required to serve longer than three years, and provided a pension according to servitude, and rewards according to good conduct."

Lord Mulgrave opposed the motion. He said, "No object had been more fully considered, or more wisely provided for, than the encouragement of seamen, and the manning of the navy. More than twenty different acts to answer those purposes having passed, from the time of the Register Act, in 1696, to the present time. The honourable member's scheme had not even the claim of novelty to recommend it to their attention, as one similar to it, but not so exceptionable, had been passed in King William's reign. If the cause of pressing was considered, it would be immediately seen how improbable, if not impossible, it must be, to man the navy in war by any other means. The several plans proceeded upon the idea of the King's service being so disagreeable to seamen, as to make some encouragement in order to induce them to enter it; but the contrary was notoriously the fact, as it is known that upon the ordinary peace establishment, the navy is always

manned by volunteers ; for not being subject to the extortions and impositions too often met with, the employment being constant, the work lighter, and the provisions better, the seamen prefer the navy to the merchant-service. It was not difficult to account for the change of sentiment in war. Every one knows the effect of a demand for labourers on the price of labour. This was sensibly felt on an armament. The merchants were obliged to give greater wages to induce the men to quit other ways of life ; and under these circumstances, it was not to be expected that any thing but compulsion would bring seamen, at the usual rate of wages, into the navy. The fate of the Register Act, after a trial of so many years, and at an expense of 500,000*l.*, proved how ineffectual prospects of future advantage were when put into the scale against the temptation of a great present increase of wages."

Mr. Lutterell in his speech, having adverted to the supposed deficiency of seamen in the fleet, was contradicted by Sir Hugh Palliser, who affirmed, " as an officer, and as an official man," that the whole fleet now fitting out would be completely manned in a very short time, and much sooner than any naval force that could be sent out by France or Spain. That we had thirty-five ships of the line ready for sea, and were in every respect superior in strength to any force it was possible for either or both of those powers, with their utmost exertions, to equip. He attacked Mr. Lutterell on the account given by him of the Spanish navy, charging him with ignorance on the subject, and said, " if the Honourable Gentleman's assertions, that we had no more than twenty men-of-war of the line actually

ready to face an enemy, were correct or founded in truth, he need not have employed so much time in endeavouring to prove that France and Spain meant to attack us, for the fact would be that they would have done so already."

Notwithstanding the frequent advantages gained by the American forces in field, under the chief command of General Washington, the contest with the naval superiority of England, was of too hopeless a character to afford the revolted colonies the remotest prospect of eventual success, without foreign assistance. The deficiency in money and stores, as their warlike operations became extended, engaged the anxious attention of the Congress of the United States, and Dr. Franklin was appointed one of their commissioners at the court of France, to solicit the alliance of the French monarch. But though a large amount was granted as secret aid to the colonies, the commissioners were not publicly received, until intelligence arrived of the surrender of the whole British army, under General Burgoyne, to the American forces at Saratoga, when an alliance, defensive and offensive, was entered into, and a fleet was instantly equipped to proceed under the command of Count d'Estaing.

Without advocating or attempting even to palliate the harsh and impolitic measures of the British Parliament and his Majesty's government, which led to those unhappy results, we feel justified in acknowledging that ministers met the emergency with that energy and ability which characterized them as individuals as well as officially; and though thwarted without intermission in every proceeding deemed necessary by them for the

safety of the empire, and though assailed on every subject with the uncompromising hostility of a powerful faction in opposition, led by men of popular and commanding talents in both Houses of Parliament; the most extended plans of naval and military operations were adopted to meet the impending attacks of our implacable continental enemies.

Our navy, under the control of the illustrious nobleman presiding at the Admiralty, notwithstanding the prohibition of the Corporation of London, and other towns, to the raising of men by impressment within the jurisdiction of their civil authorities, was already in a situation to maintain the superiority of England over all other maritime powers united; and the sovereignty of the seas, so indisputably vested in her by the victories of former wars, was endangered only in the coming conflict, by the unfortunate selection of officers entrusted with the chief command of our fleets in the Channel seas, and on the coast of America.

The assembling of Parliament, on the 18th of November, was signalized by the usual display of animosity on the part of the opposition in both houses. The Earl of Chatham, in the House of Lords, moved an amendment to the address to his Majesty, and assailed the ministry with a burst of the florid eloquence and the glittering diction peculiar to that popular statesman. "My lords," he said, "what is the present state of the nation. It is big with difficulty and danger; it is full of the most destructive circumstances. What is your defence? Nothing! Our inveterate enemies, the two leading branches of the House of Bourbon, have a formidable navy. Their intentions are hostile;

I know it. Their coasts are lined with troops from the furthermost parts of the coast of Spain up to Dunkirk, and what have you to oppose them? Not five thousand men in this island; not more in Ireland, nor above twenty ships of the line, manned, and fit for service. What has been the conduct of ministers? How have they endeavoured to conciliate the obedience and affection of their American brethren? They have gone to Germany, and have bought the alliance of every pitiful, beggerly, insignificant, paltry prince, to cut the throats of their loyal, brave, and injured brethren in America. They have entered into mercenary treaties with those human butchers, for the purchase and the sale of human blood. If success is ever to attend British arms, Britain must recur to her former means of conquest. If any thing is to be effected, it must be by British legions and British valour. In such a case, should the raising of British troops become necessary, I should cheerfully co-operate. I would, my lords, sell my shirt off my back to assist in proper measures wisely conducted, but I would not part with a single shilling to the present ministry. As to America, and its views of independency, I must own, I always looked upon that country to be as much a part of Great Britain, to every purpose but that of taxation, as Devonshire, Surrey, or Middlesex. When I say this, I would be clearly understood to reserve to the colonies, their municipal rights, the preservation of their charters, and alone all the right of taxing themselves.

"These are my ideas, founded, I believe, on a thorough knowledge of the people of that country, and I am persuaded the colonies will never consent to treat

with us, will never submit while there is a single foreign troop in your service."

Lord Sandwich in reply, said, "I am persuaded of the great talents of the Noble Earl who has now presented you with so alarming a representation of the state of our public affairs. I know his powers of oratory are universally acknowledged, and that with great justice. This nation owes him many signal obligations, as a senator and as a statesman; but with all possible deference for the Noble Lord's abilities and opinions, notwithstanding every advantage of knowledge and experience that he possesses, notwithstanding the Noble Lord's amazing powers of oratory, I very freely confess that I cannot agree with his lordship in a single argument he has urged in support of his amendment. Oratory is one thing, my lords, and truth, reason, and conviction, another! When the matter which the Noble Earl has brought forward to-night is separated from the manner, and from the oratoric powers which accompanied it, it will most certainly be found to contain nothing that can induce your lordships to dissent from the address now moved. It is in my apprehension, though urged with all possible plausibility, totally destitute of any thing that bears the resemblance of an argument. The Noble Lord has, I presume, been much misinformed, otherwise he would never have asserted what I know myself to be unsupported by fact. I do not impute any intentional design to mislead; but speaking of matters within my own knowledge, I hope his lordship will excuse me for dissenting from him, and endeavouring to set the house right on facts which, if not contradicted, might be pre-

sumed to be true. I am specially called upon to explain what must have come under my own cognizance in my official situation, as presiding at the head of the naval department. It is rather a disagreeable task. There may be many strangers and foreigners present, and what passes here this night, in discharge of my duty as an official man, may be wafted by the next post to the continent. But the Noble Lord's assertions call for explanations on my part, lest the public should be misled, or that it should get out in the world, that the Noble Earl's confident assertions respecting our navy are just. The Noble Earl asserts that the whole of our naval force for home defence, does not amount to twenty ships of the line fit for sea. I tell the Noble Earl that he is misinformed, and that he should not credit those, who in this instance so grossly deceived him. I do not mean to controvert his lordship's facts on mere memory. I have the list now before me, and I will venture to assure him, that we have double that number. We have now forty-two ships of the line in commission in Great Britain, thirty-five of which are completely manned and ready for sea at a moment's warning. When I say this I would wish to speak accurately, and submit the whole to your lordships' judgment. These thirty-five ships, when their complements are full, require 20,890 men, seamen, and marines; of this number, 18,420 are actually shipped, and the remainder are ready as soon as called for. The deficiency is composed of 2235 marines, and 600 seamen, who are now at the several ports. These marines are on shore on purpose to improve in discipline and in the use of arms, and the 600 seamen are distributed

on board the other ships, the complements of which are not yet formed. Those other ships will require 4000 seamen and marines, in the proportion of 700 marines to 3300 seamen. Of the seamen there are 900 already on board, so that of the forty-two ships of the line in commission, all sound, provided, and well found, there are 2400 seamen, and 700 marines wanting. The former can be procured, on very short notice, by the means of a press, or on an emergency by recalling the protections now out, and by other justifiable means, should the exigencies of the times make such exertions necessary. This information is supported by documents not to be disputed. The Noble Earl seems to doubt of our state of preparation against any sudden attack in America. As to that I can inform his lordship, that our whole force serving under Lord Howe consists of ninety-three ships and vessels of war, six of these are of the line of battle; there are eighty-seven frigates, sloops, and vessels of force. The number of frigates which were requisite to carry on the operations under Lord Howe, I acknowledge, stripped us of our frigates and smaller vessels, but care has been taken to remedy that evil and to replace them. Thirty-four frigates are in commission, employed in different services, ten have since been built in King's yards, thirty in private yards, besides twenty that have been purchased from the merchants, making in the whole between ninety and a hundred. From these facts I do venture to contend, not only that the Noble Earl has been grossly deceived, but that we have a naval force now ready for sea, should France and Spain entertain any hostile disposition towards us,

much superior to any they can muster. I am persuaded from my certain knowledge that they have nothing able to cope with us in Europe, as our whole force now fit for sea, or on our actual service, consists of fifty-four ships of the line, and upwards of 200 frigates and sloops. The Noble Earl asked, after giving a deplorable account of our navy, with what justice I leave your lordships to determine,—where is the man of reputation in his profession who would stake his credit on any naval force we are able to send out? I will answer his lordship. There is such a man to be found. Admiral Keppel, who is ready to stake his credit on the issue, and willing to meet the enemies of his country, if any such there be; brave, gallant, and nobly allied, a man in whom the Noble Earl himself would wish to confide, and of whom he entertains the most exalted opinion."

This encouraging explanation of the state of our naval armament at home and abroad, was followed up, as soon as the intentions of France and Spain were discovered, by increased efforts on the part of the Admiralty to collect officers and seamen for manning additional ships.

The following letters from Lord Sandwich to the Secretary of the Admiralty indicate the prompt and business-like mind of his lordship.

The Earl of Sandwich to George Jackson, Esq.

"December 27, 1777.

"Sir,

"It is purposed to put some more ships immediately in commission; you will therefore lay before the Board

of Commissioners, that Lord Longford is to command the America, Captain Alexander Hood, the Robust, and Captain Keith Stewart the Berwick. Lieutenant Lefebre, on half-pay, should be appointed third of the America, and Edward Wells, now in the Merchant, armed ship, fourth of the America. Mr. William Gold, of the Romney, but now in London, having a few days ago passed his examination, to succeed Mr. Wells in the Merchant. Mr. Peter Hill, of the Sultan, may be appointed fourth lieutenant of the Robust, and Mr. William Demale fifth. The latter is recommended by Captain Alexander Hood, who will know where to find him.

"I have no lieutenant as yet for the Berwick, and must desire you to tell Mr. Wright to send me a list, in which those are marked that are unemployed; and you will asked Captain Stewart and Captain Hood, whether they have any lieutenants on half-pay to recommend.

"Captain Hood's yacht must be paid off, and the men turned over to the Robust, in the same manner as was done by the other two yachts.

"I entirely disapprove of taking the men out of prison as proposed by Captain Boid. Orders must be given for the Active's sails to be ready at all events by the 5th of January, as she must go with the West India convoy which is to sail at that time.

"I have no objection to the giving Captain Parker leave of absence for a limited time; for instance, a fortnight or three weeks, but not in the general terms in which he asks, until the ship is ordered into harbour.

"I have written to Sir Hugh Palliser upon the sub-

ject of Sir Thomas Pye's having stopped Admiral Duff from sailing,

"And remain,

"Very sincerely yours,

"SANDWICH.

"To George Jackson, Esq.

"P.S. You will send me a messenger this evening."

The Same to the Same.

"December 30.

"Sir,

"The account of prizes in the several letters from our western cruisers, should be put into the morning papers, as also Admiral Young's account of the taking of the Snake Privateer. I hope I don't understand him right, when he says that a very large convoy is coming home, and was to sail the first week in November. Some ships should, I think, be sent out immediately to the westward for their protection.

"I have no objection to Sir Chaloner Ogle's having a fortnight's, leave of absence, and Mr. Atkenson, of the Marius, the same time. John Bayley should be appointed carpenter of the Proserpine, and orders given to the marshal to apprehend his predecessor, who has deserted.

"Yours sincerely,

"SANDWICH.

"P.S. Since writing the above, Sir Hugh Palliser has come here, and brings me a letter, which makes any further attention about the West India convoy

unnecessary. You will send orders-to day to Plymouth for the Foudroyant and the Bienfaisant, to be hastened into the Sound, and to hold themselves in readiness for sea.

"You will send a messenger to-night. You will send orders to Portsmouth for the Trident and the Centaur to hold themselves in readiness for sea."

CHAPTER VI.

WAR WITH FRANCE—KEPPEL COMMANDS THE CHANNEL FLEET.

Squadrons under Sir Peter Parker and Commodore Hotham, sent to Reinforce the Fleet in America, commanded by Lord Howe—Admiral Byron appointed to cruise off Gibraltar and intercept the Count d'Estaing—Keppel appointed to the Command of the Channel Fleet—The Character of Keppel—Charnock's Observations on Keppel—His Political Feelings and Connexions—Opposed to the Ministry—Keppel's Instructions—The Fleet puts to Sea—Palliser Commands the Blue Division of the Fleet—Capture of the French Frigates, La Belle Poule, Pallas, and Licorne—Papers found on Board of the Frigates—Keppel's Return with the whole Fleet to Port—The East and West India Trade hourly expected Home—Public Alarm on the Return of Keppel's Fleet, leaving the Home Seas unprotected—Letter from Lord North on the Strength of the French Armament at Brest—Letter to the Earl of Sandwich on Keppel's Retreat from a Force of imagined superiority—Letter from Sir Hugh Palliser to Lord Sandwich—Intreats Him to rely on Keppel's Honour—Keppel expresses to Palliser his Satisfaction with the Candour and Conduct of the First Lord of the Admiralty.

1778.

Our disputes with America, and the sympathy manifested towards her by the court of Versailles, rendered a war with France ultimately certain; and as our West India islands were likely to present themselves to the Americans in conjunction with the French, as

being most open to a successful attack, a reinforcement of two squadrons, one under Commodore Hotham, and another under Sir Peter Parker, were despatched to join Admiral Lord Howe, then in command of the American station; whilst nine ships of the line were manned and equipped for the purpose of proceeding under Admiral Byron to cruise off the Straits of Gibraltar, and intercept the Count d'Estaing, who was preparing to sail from France with an auxiliary squadron of men-of-war and transports for the Americans.

The fleet destined for the home service, became an object of paramount importance, from the moment the disaffection of our colonies, and the encouragement given in Europe to their revolt against the mother country, foretold approaching hostilities with our old continental enemies, and of no less importance was the choice of an officer to command the naval armament, on which was to depend the entire defence of the kingdom.

In the month of November, 1776, Sir Hugh Palliser was the bearer of a message from Lord Sandwich, in order to ascertain, as the appearance of foreign powers in our disputes might require a home fleet, whether Keppel would undertake the command,* and, unhappily for his country and for himself, had been the means of promoting this selection of government and his lordship, and of removing a variety of obstacles existing, both on their parts, and on the part of Admiral Keppel himself.

The friendship formed between Palliser and Kep-

* Keppel's Defence.

pel on board the Sea-Horse, when these two officers returned home together after the unfortunate expedition of Bradock to Virginia, was doomed shortly to be destroyed by the ill-disguised duplicity of Keppel, in his vain endeavours to cloak a succession of errors, arising chiefly out of the false position in which he was placed, by being entrusted with a command, involving such mighty consequences to the British Empire. He had distinguished himself on many occasions in former wars, and from his intrepidity, as well as from a peculiar openness and kindness of manner, had obtained great popularity in the navy. But his whole career, in the prominent and onerous offices of commander-in-chief and first lord of the Admiralty, indicated an absence of those mental qualities, suited to a sphere of action above the duties of a gallant officer on his own quarterdeck. As one of the members of the court-martial held on the unfortunate Admiral Byng, we find him, as before related in these pages, confused in his judgment and opinions, and incapable of the manly reasoning that would convince him, that secresy, though enjoined by an oath, when involving the awful question of the forfeiture of a brave man's life was criminal in the highest degree, if it promoted injustice, and that if silence aided a deed so fearful as the undeserved condemnation to death of a fellow-being, every feeling of natural religion and morality demanded an unreserved disclosure. His mind, feeble though human, faltered on this memorable occasion, and sought the vain ceremony of a parliamentary sanction to speak out, when no thinking man would have hesitated or have believed, that any assembly of men possessed the authority of influencing

a matter, resting exclusively between God and his own conscience, particularly at the thrilling moment when the utterance of its just dictates might have stayed the hand that signed the warrant for the execution of a commander, whose courage and honour he himself had borne testimony to, in the very sentence even that condemned him to suffer the penalty of a coward and a traitor.

A writer of acknowledged impartiality* draws the following mental portrait of Keppel, exhibiting features of a more popular and engaging, than of a stirling and exalted order. "It will be impossible to give any delineation of Keppel's character without incurring censure, either from his admirers, or those of a different description. This will ever be the case with a man, who by unfortunately having merits and qualities attributed to him, superior to those he really possessed, has induced a denial from his opponents, of such virtues as they would, without opposition, have unanimously allowed him the possession of, had not his friends, by their imprudent attempts to raise him into something more than a hero, caused the former to counterbalance panegyric by ill-founded censure.

"Prior to that ill-fated event (his dispute with Palliser), which all men must admit, was injurious to the country, the service, and his own fame, he was the idol of all parties, in and out of the service. His bravery, his prudence, his diligence, he had happily afforded reiterated proofs of. A frankness of disposition, that trait of character usually distinguished by the appellation of good humour, had acquired him amongst

* Charnock *in voce* Lord Keppel.

the seamen, a degree of love bordering almost on adoration. There was, however, a manifest alteration in his carriage and disposition after his accession to the high rank held in the ministry, an alteration painfully observed by his warmest admirers; his former openness of behaviour became converted into reserve, and his good nature sank into the habit of promising those things, which neither his power allowed him, and perhaps, on many occasions, his inclinations did not induce him to fulfil. This change caused him, by insensible degrees, to lose much of that popularity he had before enjoyed; and it is by no means certain, if chance, or the political current of affairs, had permitted him to remain much longer in the public sphere, he would have experienced the same mortifying reverse, which has ever since the existence of governments attended occasionally the brightest meteors of popularity. As it was, he lived not to acquire the dignity of being hated, but passed through the latter end of life unmolested, unsatirized, and nearly unnoticed."

Whatever may be said in favour of the spirit of conciliation which induced his Majesty's ministers to place so popular an officer in the distinguished post of naval commander-in-chief, yet the immense national importance attached at such a crisis to the fleet destined for the protection of the British dominions at home, renders the wisdom more than doubtful, of consigning so momentous a trust to their avowed political foe, and the undisguised partisan of the leading opponents of their principles of government. Keppel's own honest reflections must also have shown him, that whilst goaded into animosity against them by the factious clamours of

his party, he feigned a confidence in their measures which had no real existence in his mind; and that he could not bring to his command that unswerving zeal, which the honour of his country required him to be possessed of. For every event that would shed a lustre upon the arms of England, and be reflected back upon the government which swayed their operations, would give rise to a host of disappointed feelings in the bosoms of a long array of relatives and friends, whose fortunes, either private or political, rested on the downfal or disgrace of his sovereign's advisers.

A mind of so narrow a caste as that of Keppel's, however naturally honourable, was not equal to this conflict between so many private anxieties, and the public duties of an office embracing such deep responsibilities. When ardour and energy should have existed, doubts and apprehensions clouded his thoughts, and the unsuccessful issue of his encounter with the enemy, as well as the painful circumstances arising out of that inglorious event, demonstrate the baneful influence of his imperfect reliance on the men who confided to him the maritime defence of the nation.

The poison of party malice, poured into his ear by his friends, both in private and in public, during the discussion of affairs previous to his appointment, was not discontinued when it became known that he had undertaken this great naval command; and his cousin, the Duke of Richmond, in a letter, the language of which must be looked upon as detestable, when intended to warp the feelings of a man standing in Admiral Keppel's relation to the trusted servants of his monarch, thus proffers his friendly admonitions.

The whole composition is so illustrative of that narrowness of intellect, prone to attribute every unworthy motive to the possessor of opinions differing from those of its own prejudiced formation, that, independently of the harassing suspicions it was calculated to excite in the breast of the admiral, as an extract would give but an imperfect notion of the liberality of sentiment which usually emanated from his grace in canvassing the motives of a political adversary, his characteristic epistle is given in full.

The Duke of Richmond to Admiral Keppel.

"My dearest Admiral,

"I cannot wish you joy of having the command of a fleet prepared by the Earl of Sandwich, with new men and officers, unacquainted with each other, to risk your reputation and the fate of your country upon, against a French and Spanish fleet, who are, I fear, much better prepared. At the same time, I confess I do not see how you could refuse your service Let me, however, advise you to insist upon your own terms. No one can be surprised that you should suspect a minister, whom you have constantly opposed, of not giving you all the help he might do to a friend, without suspecting him of treachery. If he has a bad fleet to send out, 'tis doing Lord Sandwich no injustice to suppose he would be glad to put it under the command of a man whom he does not love, and yet whose name will justify the choice of the nation. If we meet with a misfortune, he hopes to get off;—he was not to blame for having given the command to a relation or friend.

He chose the man the nation called for. He hopes to secure himself against the attacks of opposition, because he hopes to blend himself with you in the operations carrying on, and if blame is to be borne, he will endeavour, by every art he is but too much master of, to throw it on your shoulders. I would advise you to have the condition of each ship examined by your own officers, and assented to by the Admiralty in writing. I would insist upon having so many seamen to each ship, and the most distinct and clear orders before I went to sea.

"Your own judgment will enable you to weigh these and other considerations much better than any body else can possibly do, and how far you have a right to be indulged in the nomination of the man next in command to you, and other officers; only be assured that the more peremptory and exact you are in every particular now, the safer and easier you will be hereafter. I would determine not to trust to Lord Sandwich for a piece of rope yarn, but have the most authentic returns in due form.

"God bless you! Pardon my impertinent zeal, and believe me ever,

"Your most affectionate
"Humble servant,
"RICHMOND."*

Though usefully engaged in the service of his country as one of the Lords of the Admiralty, no sooner were hostilities apprehended with France and Spain, than Sir Hugh Palliser solicited the honour of an opportu-

* Keppel's "Life of Admiral Keppel." Vol. ii., p. 3.

nity of meeting the enemy, and was raised to the rank of Vice-admiral of the Blue, and appointed to lead the third division of the channel fleet.

Information had been received by government that a large body of troops were in readiness for embarkation at Brest, and that a junction was arranged between the squadrons being equipped at that port and at Toulon, with the probable intention of invading our coasts. Accordingly, a large British fleet was prepared for sea, and the following instructions, bearing date April 25th, 1778, were given to the commander-in-chief.

"*Secret Instructions for the Honourable Augustus Keppel, Admiral of the Blue Squadron of his Majesty's fleet, and Commander-in-chief of a squadron of his Majesty's in the channel soundings, or wherever else his service may require ships employed, and to be employed.*

"Whereas the very considerable armaments making in the ports of France, together with the late offensive proceedings of the French court, give the strongest reasons to apprehend that their intentions may be hostile against his Majesty's dominions and subjects. And whereas, from intelligence received, there is reason to believe that the French squadron, fitted out at Toulon, is designed to join the squadron at Brest; and it being of great importance that the junction of those squadrons should, if possible, be prevented, and that the troops destined to reinforce the garrison of Gibraltar, which are to embark at Portsmouth about the 24th inst., and proceed from thence under the convoy of Com-

modore Evans in the Invincible, in conjunction with the Exeter, should be protected from any attempts that may be made to interrupt them by the ships from Brest. You are, therefore, in pursuance of his Majesty's pleasure, signified to us by Lord Viscount Weymouth, one of the principal secretaries of state, hereby required and directed, so soon as the troops before mentioned are embarked to take Commodore Evans under your command (he being directed to obey your orders), and putting to sea, the first opportunity of wind and weather, with the commodore and his convoy, and such of the ships of the squadron under your command as are in readiness, you are to proceed down the channel into the latitude of Ushant, direct him to prosecute his voyage to Gibraltar, agreeable to the orders he shall have received from us; ordering, if you judge it necessary, some of the ships of your squadron to accompany the convoy, for its greater security, so much farther on its way as you may think proper; and then to rejoin you on such rendezvous as you shall appoint. When you have despatched the convoy for Gibraltar, as above-mentioned, you are, in further pursuance of his Majesty's pleasure, to cruise at such a distance, and upon such a station off the port at Brest, as you shall judge most proper to prevent the junction of the French squadrons above-mentioned, and to intercept any ships that may attempt to sail from Brest to molest the convoy going to Gibraltar. If you fall in with, or discover the Toulon squadron attempting to push into Brest, you are to use your utmost endeavours to take or destroy it; and if the Brest squadron, or any part of it should put to sea, you are to use the

like endeavours to take or destroy such of the ships as you may be able to come up with. If the Brest squadron should slip by you and proceed up the British Channel, or to any part of the coast of Ireland, you are immediately to follow it; or, if you receive certain intelligence of its having taken any other route, you are, in that case, to pursue it, if there is a probability of your being able to overtake it, without leaving Great Britain and Ireland exposed, the protection of which must always be the principal object of your care and attention.

"If in the course of your cruise, any of the ships of your squadron in chasing or otherwise, should fall in with any French ships of the line of battle, they are to use their endeavours to take or destroy them; and in case any French frigates of war should attend upon the fleet, or appear to be watching your motions, you are to oblige them to desist, and, on their refusal, to seize them and send them to England.

"Intelligence having been received that several rich ships, bound to France from the East Indies (a list of which is inclosed), are shortly expected at Port L'Orient, or some other port in the Bay of Biscay, you are to direct the several commanders of the ships of your squadron in case they fall in with the said ships, or any of them, to seize them and send them to some convenient port in England, to be secured until his Majesty's further pleasure concerning them shall be known, taking care that every person belonging to all ships so seized or intercepted be well treated, and that no plunder or embezzlement be made of any effects on board.

"In case the Toulon squadron shall have joined the squadron at Brest before you arrive upon your station, or while you are upon it should elude your vigilance, and find the means of passing you into that port, and the two squadrons, when combined, should venture to come out, or if at the time the Toulon squadron may be attempting to push into the port of Brest (pursued, perhaps, by the squadron under your command), the squadron in that port should come out, in order to succour and effect a junction with the other, you are in either of these cases, if the superiority of the French fleet is not very apparent, to give them battle. But if the French fleet, when the squadrons above-mentioned are joined, shall be manifestly superior to yours, and should come out to meet you, or if you are satisfied that, after the junction of the two squadrons at Brest, they are superior to you, though they do not come out, you are in either of those cases, to return with the squadron under your command to St. Helen's for a reinforcement, it being our intention to direct not only the ships of your squadron which may not be in readiness to sail with you, but all such others as shall from time to time be got ready, to assemble at that place for the purpose of reinforcing you if it be necessary.

"You are, during the course of your cruise, to take or destroy all such ships and vessels belonging to the rebellious colonies, and all ships and vessels going to, or returning from, trading with those colonies, as you may fall in.

"And, whereas the great armaments that are making in the ports of Spain may eventually be or-

dered to join those in the ports of France, the preventing of which is of very great consequence, you are, therefore, in pursuance of his Majesty's pleasure, signified as afore-mentioned, hereby required and directed to endeavour to seize any Spanish ships of war of the line that you may discover or meet with acting in conjunction with the French, and to intercept such as may be attempting to enter, or are evidently bound to any of the ports of France; but in all other cases you are to consider the ships of Spain as those of a power at peace and in friendship with Great Britain, and to afford them any assistance or protection they may stand in need of.

"You are to transmit to our secretary, for our information before you sail, a copy of your intended rendezvous, and of the signals by which the ships of your squadron are known to each other; and you are to send to him during your cruise, frequent accounts of your proceedings, with such intelligence as you may receive that may be necessary to be communicated to us, directing the officer by whom you send your despatches to forward the same from the port where he arrives, by express.

"While you are employed on the service beforementioned, you are to protect such of the trade and ships of his Majesty's subjects as may fall in your way.

"You are to continue in the said service for the space of one month after you arrive upon your station, and at the expiration of that time to return with your squadron to St. Helens, sending by an express an

account of your arrival and proceedings, and waiting there for further orders.

(Signed) "SANDWICH.
"J. BULLER.
"LISBURNE.
"H. PEYTON."

"*Given, &c., April* 25, 1778.

A continuance of boisterous weather retarded the sailing of the fleet for some time after all was ready for sea. The Ocean, of ninety guns, Captain Laforey, was selected for the flag of Sir Hugh Palliser, and she dropped down to St. Helens on the 1st of June.

The following is a private letter from the Vice-admiral to Lord Sandwich.

Sir Hugh Palliser to the Earl of Sandwich.

"Ocean,
"St. Helen's Road, June 2, 1778.

"My Lord,

"I have deferred acknowledging the honour of your lordship's letter by Mr. Montague, in hopes to have been able to do so before this time from Plymouth, and at the same time to have informed your lordship of our being on our way to look for the Brest or Toulon fleets, or both. For if M. Duchaffault has left Brest, with only eighteen or twenty sail of the line, I think when we join Admiral Byron, that we may reckon ourselves a match for both fleets, notwithstanding the great superiority they possess in their number of frigates.

"By means of the embargo continuing, I hope you will get men enough to keep pace with the energy and increasing strength of the enemy, and that the number of fine ships we have at Portsmouth, together with the Duke, Formidable, Thunder and others, to be equipped, will enable you to furnish us with reinforcements and reliefs for such ships, as from time to time must come in to refit.

"Reflecting on the extravagant number of men, said to be on board both the French squadrons (if those accounts be true), I cannot bring myself to believe that they are going any long voyage, but think it is probable they meditate a descent somewhere near home, and at the same time having a great army on the opposite coast, and a great number of privateers and frigates, if the Spaniards decide upon acting in concert with them, they may annoy and even attack us elsewhere. But I have wearied myself and will not weary your lordship with conjectures about them. I am impatient to be at a certainty, and that is to be obtained only by getting a sight of them, which if we once have the good fortune to do, I trust we shall give such an account of them, as the king and the public have a right to expect from us.

"It is rather lucky that we did not go to sea the other day, as the wind has blown, and still continues to blow so hard, westerly, that we would not have gained ground; and the convoy must have been driven to leeward.

"Your son is very well. I admire his spirit in leaving his friends and the pleasures of the shore, so soon after so long a voyage, in pursuit of knowledge in his

profession, and in the hope of soon seeing a battle. I find him very deserving of the character that Sir Edward Hughes and Captain Walters have given of him. He does the duty of a lieutenant; takes a watch with another lieutenant—for in these large ships we have two in a watch—and is quartered by me. I will find him very useful, and he will soon become my right-hand man.

"I am always, with the greatest respect,
"My Lord,
"Your lordship's most obedient servant,
"HUGH PALLISER.

"June 3d. P. S. I wrote the foregoing last night. I am now with Admiral Keppel, who expresses much satisfaction at your lordship's explicitness and attention to him. This makes me happy who am so much attached to you both. I think Monsieur d'Estaing must be in a bad plight if he is as crowded as we are told."

It would seem from the postscript of the above letter, that the admiral prepared for sea, expressing his approbation of the arrangements made by the Admiralty to enable him to meet the enemy, with a force equal to any they could bring against him.

Twenty sail of the line, three frigates, two armed cutters, and a fire-ship assembled at St. Helen's on the 4th of June, and got under weigh on the 13th. They were shortly afterwards joined by two other ships, one of 90, and one of 64 guns.

This fleet was arranged in three divisions; the van under the command of Sir Robert Harland, Vice-ad-

miral of the Red, the centre under Admiral Keppel, and the rear under Sir Hugh Palliser, Vice-admiral of the Blue.

The admiral had scarcely reached his station off Ushant, when two French frigates, accompanied by two schooners of ten guns each, were descried, evidently engaged in reconnoitering his squadron. In conformity therefore with his instructions, and the obvious necessity of preventing this inspection of his force, the signal for chase was made, and in the evening Sir William Burnaby, in the Milford frigate, came up with the Licorne, a French frigate of 32 guns, and brought her into the fleet. The Arethusa, Captain Marshall, also got alongside of the other French frigate, La Belle Poule, and upon the Frenchman's refusal to accompany her, a gun from the Arethusa was fired across his bow, which he returned with a whole broadside. A close action immediately ensued, which lasted for more than two hours, and which has rendered the battle of the "Saucy Arethusa" and the famed "Belle Poule," the burden of a nautical song, still an universal forecastle favourite.

Both ships had drifted close in with the shore during the engagement, and the French, according to their usual system, having directed their fire chiefly against the spars and rigging of their adversary, she was so shattered aloft that she became unmanageable; but La Belle Poule set her foresail, and stood into a small bay amongst the rocks, which her pilot was acquainted with, whence she was towed into a place of safety, by some boats that came to her assistance at daylight.

The Arethusa had eight men killed, and thirty-six

wounded; her gallant antagonist, forty-eight killed, and fifty wounded, four of whom were officers.

Whilst the frigates were engaged, the Alert cutter, Lieutenant Fairfax, got alongside the French schooner, whose commander signified his intention of following the example of La Belle Poule, and after a spirited action was compelled to strike to Lieutenant Fairfax, who ran him on board immediately on his refusal to follow him into the fleet.

On the following morning another French frigate, the Pallas, was brought under the stern of the Admiral's ship.

Papers were found on board of these French frigates, alluding to the force assembled in Brest harbour, and the effect of their import upon the commander-in-chief, was a resolution to return to St. Helen's for a reinforcement.

"I cannot help," he says, in his letter to the Admiralty, "allowing that the fleet under my command, of twenty ships of the line, and two or three frigates, is manifestly inferior to the French fleet as above stated, my instructions, in such an event, directing me to repair to St. Helen's, I think myself obliged, unpleasant as my feelings are upon the occasion, to repair thither.

"I am not bold enough, however my pride otherwise might have influenced me, to risk the fate of England upon the appearance of such inferiority on the side of the English fleet."

The papers which caused this needless pang to the admiral's feelings, were of the vaguest and most indefinite character, entirely without date, and containing nothing more precise, than an order to have anchorage provided for a certain number of ships, declared by those

on board the captured frigates to amount to twenty-seven of the line; but containing no evidence that they were ready for sea, and as several French merchantmen had passed through the British fleet a few days previously, which must have conveyed information to France of the number of ships of which the fleet was composed, the presumption is, no such force was at Brest in a condition for immediate service, otherwise, what reason can be assigned for the French commander's not putting instantly to sea, in order to engage and crush so inferior an enemy, instead of remaining in port until the 8th of the ensuing month.

The cautionary orders under which the admiral sailed, directed him in the event of a manifest superiority on the part of the French to put back to St. Helen's; but the inconclusive information derived from the captives and their papers, amounted at furthest but to a questionable superiority of enemy's ships in a port, which they could sail from only by day, when an accurate knowledge of their number could have been obtained in time sufficient to despatch a communication to the Admiralty for a reinforcement, or to secure as a last resource, if necessary, the safe return of the fleet to Portsmouth. The channel was narrow enough to admit of the admiral's remaining on his station off the French coast, and insuring at the same time the refuge of a British port, when it became expedient to seek it.

Emergencies frequently occur in war when a retreat becomes honourable, and demands the highest order of courage, moral courage; but that dignified feeling should on this occasion have dictated that so painful a duty should have been deferred till rendered unconditionally

necessary, and that a retreat from a pursuing force of ascertained superiority would have been more justifiable and satisfactory, than from one of imaginary magnitude so harmlessly situated.

To such an order, thus timidly interpreted by Keppel, poor Nelson would have directed his sightless eye; and, as at the battle of Copenhagen, when the Danish batteries were strewing his decks with the dead and the dying—on his commander's signal of recall being reported to him—would have pronounced with his undaunted smile the chivalrous truth—"that he could not see it."

The following letter from the prime minister to the Earl of Sandwich, refutes the imputation frequently put forward, that government was aware when the admiral was sent to sea, that the fleet he commanded was greatly inferior to the force France had in readiness to send against him, and also indicates, that the admiral's apprehensions relative to the presumed superiority of the enemy at Brest, as derived from the papers found on board the French frigates, did not extend to the councils of his Majesty.

Lord North to the Earl of Sandwich.

"July, 1778,
"Downing Street, Friday Morning.

"My dear Lord,

"The lords of the cabinet who staid at my house yesterday evening after your lordship left us, expressed in very strong terms, their anxiety about Jersey and Guernsey, and seemed to consider the preservation of those islands, as the most pressing of services; and as it appears by the intelligence we have received, that Ad-

miral Keppel is *at present superior to the French fleet*, they wished either the ships which are destined to join him, or if they are not fit for that service, a part of their crews, may be employed in the protection of Jersey and Guernsey.

"I perceive by Mr. Smith's letters that a new frigate has arrived at Plymouth, and I suppose there are some ships under the line now at Portsmouth; the addition, therefore, of one or two ships to the Acteon's squadron may preserve the islands, and the retarding for a few days the junction of a large ship of the line or two, to Mr. Keppel's fleet, does not appear at present likely to be of any fatal consequence.

"I am, my dear Lord,

"Yours most sincerely,

"NORTH."

An event so unparalleled in the naval annals of Great Britain, as the precipitate flight of twenty-two sail of the line from an enemy, seen only on paper, naturally gave rise to opinions of a conflicting character, respecting the motives which prompted our commander-in-chief on this memorable occasion, and caused the utmost anxiety in the minds of all parties, particularly of those immediately connected with the commerce of the kingdom. And though the doubtful admission was afterwards wrung from Lord North in parliament, "that the extreme cautiousness of the measure exempted the admiral from blame;" yet the return of the whole channel fleet to St. Helen's, leaving the home seas unprotected, when merchant fleets of immense value were hourly expected from abroad, must have filled the

public mind with serious and alarming apprehensions, and must have originated impressions of the admiral's conduct differing greatly from those so indulgently expressed by his lordship.

The following extract from a letter amongst the Earl of Sandwich's papers, expresses probably the general conviction on the subject:—"Mr. Keppel has returned —if I am rightly informed—with the whole western squadron, consisting of twenty-two ships of the line, of which five were one hundred or ninety guns a-piece, because the Brest fleet, from papers on board the Licorne, appears to be of twenty-five ships of the line, and two of fifty guns, ready or nearly so to be put to sea. This our admiral has taken upon himself to do without orders, when two great fleets of merchant-ships were expected from the West Indies, and it is the time for the return of the East Indiamen; so that five men-of-war, with a few frigates sent out of Brest, might take them all, and sweep the Channel clearer than Van Tromp did the Medway.

"There are but two reasons to be assigned for such conduct; either that Mr. Keppel has become so nervous as to have lost all his spirit, or he is so factious, as to sacrifice the honour, trade, and wealth of his country to party views. I am inclined to believe the latter is the case, for I am told his relative, Lieutenant Berkely in his private letters, immediately communicated to the opposition the cause of his return, namely, Lord Sandwich had sent him to sea with a fleet not capable of facing the enemy, being deficient in numbers and strength."*

* Sandwich MSS.

Notwithstanding the visionary nature of those alarms apprehended from a foe peaceably moored in the harbour of Brest—the admiral's retreat to St. Helen's, being to some extent in accordance with the letter, though little consonant with the spirit of his instructions, or with the expectations of many, who hailed his appointment to the command of the fleet as the advent of new glory to the naval arms of Britain,—he was received without any official observation either condemnatory or otherwise. But how far those instructions are chargeable with his abandonment of our homeward-bound fleets to the risk of being conveyed to France, may be estimated by his own declarations, when defining on a future occasion the extent of his authority in his position of commander-in-chief.

"I am not to be considered," he says, "in the light merely of an officer with a limited commission, confined to a special military operation, to be considered upon certain military rules, with an eye towards a court-martial for my acquittal or condemnation, as I adhered to those rules or departed from them. My commission was of a very different sort; I was entrusted with ample discretionary powers for the immediate defence of the kingdom. I was placed, in some sort, in a political as well as a military situation; and though, at my own desire, for the purposes of uniformity and secrecy, my instructions came to me through the Admiralty alone, yet part of them originated from the Secretary of State as well as from the Board. Every thing which I did as an officer, was solely subservient and subordinate to the great end of national defence; I manœuvred, I fought, I returned to port, I

put to sea, just as it seemed best to me for the purpose of my destination. I acted on these principles of large discretions, and on those principles I must be tried."*

Though no censure emanated from government, the anxiety and suspicions of the First Lord of the Admiralty were painfully aroused, but when confided to Sir Hugh Palliser, were met by the following generous testimony in favour of his commander addressed to that nobleman.

Sir Hugh Palliser to the Earl of Sandwich.

"Formidable,
"St. Helen's, 6th July.

"My Lord,

"Before I had the honour to receive your lordship's letter, I had several serious and confidential conversations with Admiral Keppel upon the matters you mention, and I think I can safely assure your lordship of his disposition being of the fairest and most honourable kind, and that he is perfectly satisfied so far as relates to your lordship's conduct towards him, of which he always speaks in those terms of praise that are due to you. Therefore let me beg of you to entertain the strongest dependance, that when a proper opportunity offers, he will acquit himself to his king and his country as becomes a man of honour, and that we shall all do our duty as far as we are enabled. Be well assured, likewise, that I shall always most readily contribute, my poor,—but best and warmest assistance, which you have a full right to expect. The numerous

* Minutes of a court-martial on Admiral Keppel.

instances of your lordship's friendship, and the good offices received at your hands, binds me by every tie of gratitude, to be attentive to whatever concerns you. I don't wonder at the general desire of the nation that the fleet should be at sea; none wish it more than those in it."

* * * * * *

The sentiments of confidence and satisfaction, respecting the conduct of Lord Sandwich expressed by the admiral to Palliser on this occasion, are strangely at variance with those ascribed to him by his friends and party adherents, and recorded by his late biographer, who says, "Admiral Keppel observed the same prudent and manly forbearance which had characterized his conduct upon discovering how grossly he had been deceived, as to the number of ships ready for sea. He bore in silence the unmerited obloquy lavished upon him by his anonymous accusers, abstained from criminating the First Lord of the Admiralty—for which a bare statement of facts would have sufficed—did all in his power to stifle discontents in others, and made every effort to equip his fleet for sea." But however secretly distrustful the admiral may have been of a too-confiding government, he carefully forbore to exhibit his feelings, and the success of his dissimulation is shown by his being continued in command, when the general dissatisfaction and alarm would have been assuaged by the appointment of an officer more bold and zealous than he had lately proved himself.

CHAPTER VII.

THE ACTION OFF BREST.

The Fleet again puts to Sea—Falls in with the Enemy—Both Fleets manœuvre in sight of each other for four successive Days—Six Ships of the Blue Division separated from their Flag on the Morning of the 27th, by a Signal from the Admiral—Disorder of the English Fleet—The Action—Some of the English Ships not able to get into Action—Sir Hugh Palliser engages sixteen of the Enemy—Deprived of the Support of several Ships of his Division by the Admiral's Signal in the Morning—Turns to renew the Battle after passing the Enemy's Line—Keppel hauls down the Signal for Battle—The English Fleet stands away from the Enemy—The Enemy seen the next Morning, and not pursued—Keppel returns with the Fleet to England—His Account of the Action—List of Killed and Wounded in the different Ships.

1778.

THE fortunate arrival of the West India fleets of merchantmen, together with the Levant trade, appeased for a time the apprehensions of the mercantile community, and afforded an ample supply of seamen for the reinforcement of the western squadron.

The fleet, augmented by eight sail of the line, consisted of the following ships of the line and frigates:

SHIPS. COMMANDERS.	GUNS.	MEN.	DIVISION.
Monarch—Capt. Rowley	74	600	Vice-admiral of the Red.
Hector—Sir John Hamilton, Bart.	74	600	
Centaur—Capt. Cosby	64	500	

SHIPS.	COMMANDERS.	GUNS.	MEN.	DIVISION.
Exeter	Capt. Nott	64	500	Vice-admiral of the Red.
Duke	Capt. Brereton	74	600	
Queen	Sir Robert Harland, Bart. / Capt. Prescot	90	750	
Shrewsbury	Sir John Lockhart Ross	74	600	
Cumberland	Capt. Peyton	74	600	
Berwick	Capt. Hon. K. Stewart	74	600	
Stirling Castle	Sir Charles Douglas	64	500	
Courageux	Rt. Hon. Lord Mulgrave	74	600	Admiral of the Blue and Commander-in-chief.
Thunder	Hon. Boyle Walsingham	74	600	
Vigilant	Capt. Kingsmill	64	500	
Sandwich	Capt. Edwards	90	750	
Valiant	Hon. John Leveson Gower	74	600	
Victory	Hon. Augustus Keppel / Rear Adm. Campbell / Capt. Faulknor	100	894	
Foudroyant	Capt. Jervis	80	650	
Prince George	Sir J. Lindsay, K.B.	90	750	
Bienfaisant	Capt. Macbride	64	500	
Vengeance	Capt. Clements	74	600	
Worcester	Capt. Robinson	90	750	Vice-admiral of the Blue.
Elizabeth	Hon. F. Maitland	74	600	
Defiance	Capt. Goodall	64	500	
Robust	Capt. Hood	74	700	
Formidable	Sir Hugh Palliser / Capt. Bazeley	90	750	
Ocean	Capt. Laforey	90	750	
America	Rt. Hon. Lord Longford	64	500	
Terrible	Sir Richard Bickerton	74	600	
Egmont	Capt. Allen	74	600	
Ramilies	Hon. Robert Digby	74	600	
	FRIGATES.			
Arethusa	Capt. Marshall	32	320	
Milford	Sir William Burnaby, Bart.	28	200	
Fox	Hon. Capt. Windsor	28	200	
Proserpine	Capt. Sutton	28	200	
	Two Fire-ships.			

The commander-in-chief set sail from Portsmouth on the 9th of July, and on the day previous the French fleet left Brest, divided also into three squadrons, com-

prising thirty-two ships of the line, and several frigates, the white division bearing the flag of the Count d'Orvilliers, Leiutenant-general commander-in-chief. The White and Blue under the orders of the Count Duchaffault, and the Blue commanded by the Duke de Chartres. The commanders of the second and third of each were the Count de Guichen, and the Sieur Hector of the White; the Count de Rochechouart and the Chevalier de Bausset of the White and Blue ; and the Count de Grasse and the Chevalier de Monteil. The flag-captains of the three commanders were, of the Count d'Orvilliers, the Sieur Duplessis Parseault; of the Count Duchaffault, the Sieur Huon de Kermadeck; and of the Duke de Chartres, the Sieur de la Motte Piquet.

The weather continued hazy for some days after the departure of the British squadron, but on the afternoon of the 23d of July it cleared up, when the fleets came in sight of each other, and were formed immediately in order of battle. The British Admiral's despatch to the Admiralty says, "At four o'clock, the weather clearing up, it was perceived the French were standing from the King's fleet to N.E. I immediately made the signal for the fleet to wear, still keeping the signal for the line of battle a-head, only changing it for the ships to bear N.E. and S.W. of each other, and to set much sail, though I fear without possible hopes of coming up with the French this afternoon, unless they are as desirous of closing as I am. I fear the object of the French is to get in with their own coast."

Shortly after the cutter left with this intelligence, the French fleet tacked, and stood directly for the English fleet, which was put about, and brought

to on the larboard tack, standing in a contrary direction. This evolution, at variance with the first impulse of our admiral on descrying the enemy, left room for the French admiral's assertion, "that he bore down to give the English battle, which they declined," and is open to the inference, that he stood after the French with a great press of sail—as expressed in his message to the Admiralty—"without possible hopes of coming up with them," but as soon as they tacked and stood towards the British fleet, that he brought to, and left it to M. d'Orvilliers to begin the attack.

The following letter from the admiral, assigns his reason for a movement corresponding so little with the anxieties mentioned at the conclusion of his previous despatch.

To Philip Stephens, Esq., Secretary of the Admiralty.

"Victory, at sea, 5 P.M.
"July 24, 1778.

"Sir,

"I despatched the Peggy with my letter to you of yesterday afternoon, and about an hour after she left me the French fleet tacked and stood towards the King's fleet, the wind at W.N.W. As night was so near, and an action in the night always to be avoided, I brought the fleet to on the larboard tack, leaving the option in the French. It blew very hard in the western quarter great part of the night, and in the morning the French fleet was seen to the N.W., one of their ships crippled in her fore-top mast, and one of Vice-admiral Sir Hugh Palliser's division in the loss of a main-topsail yard.

"The French have been in the wind's eye all day, and have had the choice with them constantly to come to an engagement. Both fleets are now standing to the S.W. of Ushant, bearing S. 54 deg. 60 min. E. distant twenty-two leagues. The French spread with their frigates so greatly, that I should fear single ships attempting to join the fleet under my command would run much risk of being intercepted.

"I am, Sir,

"Your most obedient, humble servant,

"A. KEPPEL.

"P. S. We count the French forty sail, great and small."

It had blown hard during the night of the twenty-third, and two of the enemy's ships which had fallen considerably to leeward, on being chased by the Bienfaisant, Captain Macbride, and the Elizabeth, the Honourable Captain Maitland, steered to the S.E. under a crowd of sail, and did not again join their squadron.

As M. d'Orvilliers allowed these ships to be separated from his fleet, rather than bear down to their protection, and thus bring on an engagement, it had the appearance of his being desirous to avoid a battle, but as he showed no disposition to embrace the opportunity afforded him by the British fleet being brought to on the first night of their meeting, either to stand in for the French coast, or to proceed to sea, it is but justice to a gallant enemy to suppose, that as the weather would not admit of his using her lower deck guns, his object was to avoid an action under cir-

cumstances so disadvantageous. Keppel says on his trial, "I am certain he is a man of great bravery; but he might have many very reasonable motives for avoiding a decisive action. Many objects of the French, and those very important, might be obtained without a battle."

On the 25th and 26th both fleets manœuvred in sight of each other, the French preserving the weather gage. When day dawned on the 27th of July, the British fleet appeared to be about three leagues to leeward of the enemy, Sir Robert Harland's ship, the Queen, about four miles distant on the Victory's weather quarter, and Sir Hugh Palliser in the Formidable, about three miles on the Victory's lee bow. The relative positions of these ships, separated by such great intervals, was the result of the fleet being put about altogether by signal, and standing for so many hours at night on the same tack, when darkness prevented their officers from adapting their rate of sailing, and the course steered to the general disposition of the whole squadron; but when brought round again on the opposite tack, it is obvious to every seaman that the red division would then be a-head of the centre, and the blue division a-stern, which, when the ships belonging to each flag had taken their places in the line, would be the regular order of sailing.

The situation of the Vice-admiral of the Blue on the morning of this eventful day, was chosen by Admiral Keppel to form one of the subjects of future crimination, losing sight of the fact, that if involving any evil effects, that situation was the inevitable consequence of the evolution performed by his own orders

at the comencement of the preceding night, and that if proximity to the enemy on the occasion was to be deemed a manifestation of any peculiar anxiety to meet them, as the Victory was farther to leeward of the Queen,—the nearest ship to the French,—than the Formidable was to leeward of the Victory, the admiral himself, however much inclined, was not in a condition to usurp whatever merit this absurd insinuation was expected to steal from Sir Hugh Palliser, and no stronger reason can be assigned, for the belief that the Formidable was in a situation approved of by the admiral, than the fact that the opportunity was not taken of correcting it by signal.

The admiral's first captain, Admiral Campbell, on making his survey of the fleet at daylight,—for Keppel, it appears was in bed and asleep at the time,*—threw out signals for six ships of the blue division to chase to windward with the ostensible design of collecting those ships more to windward, and filling up the interval between the Victory and the Formidable, caused by some of the fleet having dropped to leeward in the course of the night.

At the time those ships were ordered from their division, two of them, the Terrible and the Robust, were between the Victory and the Formidable; two were a-head of the Formidable, namely, the Worcester and the Egmont, and the other two, the Elizabeth and the America, astern of her to leeward. The remaining ships of the division were situated as follows: the Ocean, about four points on the Formidable's weather

* Keppel's evidence on Sir Hugh Palliser's trial. "On the morning of the 27th, he came down and waked me, at what hour I cannot recollect."

quarter, distant nearly three miles; the Defiance, on her lee quarter; and the Ramilies more than a mile on her weather beam.

The signal which left the vice-admiral of the Blue with only three ships of his division, one three miles distant, and the others more than a mile, as it did not embrace the whole blue squadron, was generally interpreted by the captains, not as an order to ply to windward and close in with the centre of the fleet, but as one to chase, with design of forcing a reluctant enemy to an engagement; accordingly they stood on upon a long tack, and the indefinite import of the signal had the effect of separating them from their flag, dispersing the fleet already scattered and in disorder, at the critical period of an impending battle, and exposing the vice-admiral to the fire of the enemy, undiverted by the support of his ships in their proper situations a-head and astern of the Formidable.

Whilst the chasing ships were urged on under a press of sail in this enigmatical pursuit, without any attempt being made to enlighten their bewildered commanders, and recall them to their stations, the French commander wore round on her starboard tack, and shortly afterwards Admiral Keppel tacked his fleet by signals. A favourable change in the wind now enabled him to look well up for the enemy, but a sudden squall coming on, they were lost sight of for a time, and when it cleared away were discerned forming their line on the larboard tack. This evolution brought them down towards the British fleet, then so scattered, that the sternmost of the chasing ships was distant eight or ten miles from the Victory, a state of disorder affording an opportunity for

commencing the attack of too tempting a nature to be thrown away by M. d'Orvilliers; he therefore edged away off the wind, and began the action by firing on the ships of the Red division as they led up. Keppel then made the signal for battle, and the cannonading was returned by each ship as she passed along the French line.

The fleets were now on opposite tacks, and the British van was soon out of fire, as they were engaged only with the rear division of the enemy and a few of their centre. Admiral Keppel got alongside the French admiral, and afterwards engaged six other ships.

Sir Hugh Palliser closed up with the second ship ahead of the Count d'Orvilliers, when he laid his mizen topsail aback, and eased off all the staysail sheets between the mainmast and the formast, to retard his progress down the line. The breeze, which had been fresh when the battle began, was now nearly stilled by the incessant fire of so many heavy guns, and alone without a second ahead or astern nearer than a mile to take off the enemy's attention, he passed slowly along the greater part of their centre and their rear division, being engaged for an hour and forty minutes with sixteen ships in succession, mostly within pistol-shot; and two of the sternmost, more to windward than the rest, appearing not to have been before in action, as they had no shot-holes in their sails, or other symptoms of damage; the Formidable was luffed up in the wind's eye, to attack them at close quarters.

As soon as the last ship of the French rear division was passed, though all the sails before the foremast, with the gear belonging to them, together with braces

and bowlines, were shot away, the yards were swung by temporary ropes, and the Formidable was wore round with her head towards the enemy; when the drum again beat to arms, and the hands returned to quarters with a cheer, anxious to renew the conflict.

"On coming out of action," says Sir Hugh Palliser, on his trial, "the first moment I was clear of the smoke, I anxiously looked for the admiral, being ever solicitous to second what appeared to me to be his design. At this time he had wore, and I saw him at some distance, with the ships of his own division about him, and some of mine, which had joined him at the engagement. He was standing towards the enemy, and had the signal for battle still flying. The Red division was then to windward of the rear of the enemy; hence I took for granted that the admiral intended to renew the engagement immediately, and rejoicing at the idea, I did not one moment hesitate to endeavour taking the lead in what then appeared to me so glorious a design. Therefore though my ship was the last, or last but one, which came out of action, and had suffered very much in her sails and rigging, and in loss of men, yet I instantly ordered the ship to be wore, and to stand towards the enemy, who was still within gunshot of us, without waiting to examine into the state of our damages."

Whilst she lay as thus described, the signal for battle was hauled down, and the Victory shortened sail, and unbent her main topsail as she came up. The ships of the Red division, the first out of action, and which had suffered so little damage as to be able to carry topgallant sails close hauled in a strong breeze, also

shortened sail on perceiving the admiral's signal, and as the French fleet were getting round on the other tack, and three of their ships were advancing in a direction to cut off the Formidable; the admiral appearing to have given up any intention of continuing the battle, it was rendered necessary to provide for her safety by wearing her again and proceeding to join the fleet, which was immediately brought to the wind on the starboard tack.

The French lost considerable ground in wearing, but formed in an admirable line about a league to leeward of the king's fleet; looking up towards their centre, and standing on under topsails and courses. The Sandwich, Robust, Egmont, Ramilies, and Courageux, in a crippled state, had fallen to leeward of the king's fleet, and as the enemy steered in a direction to cut them off, Admiral Keppel edged down with his division to cover them, and at the same time made signals for Sir Robert Harland to form with the Red division in a line astern. These manœuvres left the Formidable and the other disabled ships of the Blue squadron lately out of action, to windward and astern of the whole fleet, in which situation they continued, struggling on under all the canvass that the shattered state of their spars and rigging would admit of being set, and in consequence of the quantity of sail carried by the admiral, were unable during the evening to get into their stations in the line.

The damage sustained by the Formidable in particular, rendered it impossible without incurring the risk of bringing her masts by the board, to set sail sufficient to enable her to keep pace with the Victory under her double-

reefed topsails and foresail, until they were secured by repairs of the rigging, cut and shot away in every direction. Standing on with her stern to the advancing enemy, the Victory had increased her distance from the Formidable, and towards sunset was more than three miles in advance of the vice-admiral of the Blue and the disabled ships of his division, when signals were made to bear down in the admiral's wake, with particular ship's pennants, omitting that for the Formidable lying with her fore-topsail unbent, her main and mizentop sail yards on the cap, and evidently unable to comply with such a signal, though immediately repeated by the vice-admiral, but which, from the situation of his ship nearly end on astern could not be discerned from the Victory. Before night the Fox frigate was despatched by Admiral Keppel with a verbal order to the same effect, answered by Sir Hugh Palliser himself from the upper stern-gallery of the Formidable; the sun had gone down, however, before the foremast was sufficiently secured to admit of the foretopsail, and the headsails shot into ribbons in the battle, being replaced; but as soon as a new topsail could be safely brought to the yard, a jib and foretopmast-staysail bent, and the ship got under command, she fetched up into her station.

At the close of day, the van of the French fleet then completely formed in line of battle to leeward, had got up abreast of the division of the king's fleet, and had shown their disposition to renew the action, by firing as they stretched along the British rear, on the Vengeance, one of the ships of the admiral's own

division, left to her fate in a shattered condition astern, and within random shot of her enemy.*

There were no frigates stationed as on the preceding nights to watch the motions of the enemy, and when morning came they were discerned at a distance, with the exception of three of their ships, which bore away immediately under a crowd of sail to join their fleet. Signals were made for the Duke, Bienfaisant, Prince George, and Elizabeth, to chase those detached ships not more than three or four miles distant from the British admiral,† but were no sooner obeyed, than

* *Evidence of Sir William Burnaby, Bart., Captain of the Milford frigate.*

Q. "After you had delivered the message with which you were sent to the Queen, did you take notice of the Vengeance?"

A. "I did."

Q. "Was she at a distance astern, and did she appear to you to be in a disabled state?"

A. "Yes; she was at least two or three miles astern of the admiral, and nearly in his wake; and then seemed to me to lie in a very disabled state."

Q. "What hour was it the Vengeance lay in the disabled state you have described?"

A. "Between five and six o'clock."

Q. "Were you at any time under apprehension of any danger of her being cut off by the French fleet?"

A. "I did at that time express my apprehension on the Milford's quarter-deck, that she would receive the fire of the French fleet as they passed under her lee, and thought it probable she might thereby be destroyed, then laying in a very shattered condition and seemingly unable to make sail."

† *Evidence of Captain Hood afterwards Lord Bridport.*

Q. What distance were the three ships you mention from the British fleet?"

A. "I can't pretend to ascertain the distance with exactness; they appeared to me, if my eye did not deceive me, to be about four or five miles from the Robust, the Robust was then to windward of the Formidable and

countermanded; a general pursuit, if ever thought of was abandoned, and the visionary dangers of a lee-shore more than a hundred miles distant, assumed shapes so alarming to the mind of our admiral, that the safety of the great body of the British trade, then on its way home, was lost sight of; and though two East India and two West India fleets of incalculable value were hourly expected, and which, for aught known to the contrary, the enemy had steered to the southward to intercept, the British fleet were brought to with their heads to the north, and their sterns to the retiring foe, and after a short time spent in making further repairs and setting up their rigging, sail was made for Plymouth, where they anchored on the 31st; the protection of the home seas, and the maritime commerce of Great Britain, being consigned by the commander-in-chief to two ships of the line and two frigates.

The following is the admiral's account of the engagement.

Admiral Keppel to Philip Stephens, Esq., Secretary to the Admiralty.

"Victory, at sea,
"July 30, 1778.

"Sir,

"My letters of the 23d and 24th inst., by the Peggy and Union cutters, acquainted you for their lordship's in-

the Victory, and these ships were nearer to other British ships, than to the Robust. Ushant bore from the Robust north, eighty-one degrees, east forty-five leagues distant, the wind was westerly and the weather moderate. In the middle of summer and with short nights and moderate weather, I do not apprehend there would be danger if the fleet had chased till they had seen those three French ships and the rest of the fleet into port."

formation, that I was in pursuit, with the king's fleet under my command, of a numerous fleet of French ships of war.

"From that time till the 27th, the wind was constantly in the south-east and north-west quarters, sometimes blowing strong, and the French fleet always to windward, going off: I made use of every method to close in with them that was possible, keeping the king's ships at the same time collected, as much as the nature of a pursuit would admit of, and which became necessary, from the cautious manner the French proceeded, and the disinclination that appeared in them to allow of my bringing the king's ships close up to a regular engagement. This left but little other chance of getting in with them than by seizing the opportunity offered, the morning of the 27th, by the winds admitting of the van of the king's fleet, under my command leading up, and closing with their centre and rear.

"The French began firing upon the headmost of Vice-admiral Sir Robert Harland's division, and the ships with him, as they led up; which cannonade the leading ships and the vice-admiral soon returned, as did every ship as they closed up. The chase had occasioned them to be extended; nevertheless they were all soon lost in battle.

"The fleets being on different tacks, passed each other very close; the object of the French seemed to be the disabling the king's ships in their masts and sails, in which they so far succeeded as to prevent many of the ships of my fleet being able to follow me when I wore to stand after the French fleet. This

obliged me to wear again, to join those ships, and thereby allowed of the French forming their fleet again, and ranging it in a line to leeward of the king's fleet towards the close of the day, which I did not discourage, but allowed of their doing it, without firing upon them, thinking they meant handsomely to try their force with us the next morning; but they had been so beaten in the day, that they took the advantage of the night to go off.

"The wind and weather being such that they could reach their own shores before there was any chance of the king's fleet getting up with them, in the state the ships were in, in their masts, yards, and sails, left me no choice of what was proper or advisable to do.

"The spirited conduct of the Vice-admiral Sir Robert Harland, Vice-admiral Sir Hugh Palliser, and the captains of the fleet, supported their officers and men, deserves much commendation.

"A journal of my proceedings with the fleet since I left this English land, accompanies this. I shall omit nothing that lays with me to get the ships as soon as possible in condition to be able to proceed on further service.

"I send Captain Faulkner, captain of the Victory, with this account to their lordships.

"I am, Sir,

"Your most obedient and very humble servant,

"A. KEPPEL."

LIST OF THE KILLED AND WOUNDED.

SHIPS.	KILLED.	WOUNDED.
Monarch	2	9
Exeter	4	6
Queen	1	2
Shrewsbury	3	6
Berwick	10	11
Stirling Castle	2	11
Courageux	6	13
Thunderer	2	5
Vigilant	2	3
Sandwich	2	20
Valiant	6	26
Victory	11	24
Foudroyant	5	18
Prince George	5	15
Vengeance	4	18
Worcester	3	5
Elizabeth	0	7
Defiance	8	17
Robust	5	17
Formidable	16	49
Ocean	2	18
America	1	17
Terrible	9	21
Egmont	12	19
Ramillies	12	16
Total	133	373

Officers wounded.—Lieutenant Nicholas Clifford, Second of the Formidable. Lieutenant William Samwell, Third of the Shrewsbury. Lieutenant John Mc. Donald of the Marines—Prince George. Surgeon of the Elizabeth.

A. KEPPEL.

CHAPTER VIII.

OBSERVATIONS ON THE ENGAGEMENT—THE CONDUCT OF KEPPEL.

Relative Strength of the English and French Fleets—Superiority of the English in the Number of Ships and of Guns on the Evening of the 27th of July—Conduct of Admiral Keppel—His Duplicity towards Palliser—Erroneous Statements of his late Biographer—Clerk's Essay on Naval Tactics—His Observations on the Action off Brest—Keppel's singular Apprehensions of a Lee Shore—The Distance of his Fleet from the Coast of France on the Morning of the 28th—Letters to the Prime Minister of England from Emissaries at Paris—The French claim the Victory, and assert that Keppel stood away and declined Battle, and that they pursued him—The French Admiral's Account of his Meeting with the Fleet of England—Number of Killed and Wounded on board the Fleet of France.

1778.

As Keppel afterwards repudiated the truth of the statement contained in that portion of his despatch where he mentions, "that he did not discourage the French in forming their line to leeward, but allowed of their doing so without firing upon them, thinking they meant handsomely to try their force with us the next morning;" and in that also which declares, "the conduct of Sir Hugh Palliser to be deserving of much commendation;" the veracity of the document may

fairly be questioned in every particular, and the accuracy of any other part be deemed conclusive only where the language of that part may happen to be corroborated by circumstances which the assertion of the admiral could not alter or affect.

Captain Faulkner, the bearer of the despatch, received instructions to present the commander-in-chief's compliments to Lord Sandwich, and to tell him he had more to say to his lordship than he chose to commit to writing; and Keppel, upon his trial, put forward in his defence, that the object of this message was to obtain an opportunity of conveying to the First Lord of the Admiralty, a verbal censure of the officer whom he had pronounced in his written communication to be deserving of much commendation. But whether this explanation of the message be true or false; whether —as its real import was never divulged to Lord Sandwich—it was afterwards seized upon by Keppel to transfer to Palliser the accumulation of disgrace which had naturally fallen on himself, or for the purpose of justifying his mode of bringing charges for the first time against him when his own conduct was publicly arraigned; or whether—as the avowed object would imply—it was an invidious and a treacherous attempt to whisper away the vice-admiral's character, are questions that can alter the baseness of the procedure in a very remote degree. If the hidden meaning of the message, tending probably to a report of matters of a totally different nature, was taken advantage of, and converted into a plausible pretext for giving a colour of consistency to the crimination of the vice-admiral, after the silence of many months; and until a

disappointed nation demanded a plenary account of the admiral's inefficient proceedings in sight of the enemy; the attempt stands branded as a subterfuge every way unworthy of an officer and a gentleman; and if sent with the alleged intention of expressing blame in private, when public praise had been awarded, the duplicity of the act is revolting to every honest and honourable feeling.

The reason assigned by Keppel for the adoption of this secret accusation, in preference to the straightforward course of an open and definite charge, was, "that it would suspend the operations of the whole fleet, when the exertions of every officer was necessary." But though a court-martial might retard the preparations for meeting an enemy again, who, on the morning of the 28th of July were allowed to depart in peace, that result, even, would afford a very imperfect exculpation of the dark attempt to sully the honour of an unsuspecting friend and brother officer, and exhibits a striking contrast to the generous anxiety evinced by Palliser* to lull the natural suspicions of Lord Sandwich, when Keppel first turned his back upon France, and retreated from an enemy, then in a situation beyond the possibility of offering him the slightest molestation.

In his despatch to the admiralty, the commander-in-chief tells the world that he had no intention of renewing the engagement on the afternoon of the 27th, and in direct contradiction to that, attempted afterwards to prove, on his trial, that Sir Hugh Palliser was the only obstruction to this glorious opportunity

* See Letter, p. 168.

of destroying the enemy. But can any man suffer his understanding to be so imposed upon as to believe that zeal for the public service, or any other feeling not relating exclusively to himself, could induce Keppel to smother the disgrace of that day, rather than bring a man to condign punishment, by whose misconduct he lost the fairest opportunity ever afforded a British officer of taking or destroying the navy of France, and by that stroke recovering, in all probability, our revolted colonies in America, and crushing the warlike disposition of Spain, looking with an anxious but wavering gaze to the results of this encounter between the hostile navies of those ancient rivals for the sovereignty of the seas; determined to retire or advance as her continental ally was conquered or victorious? Admitting even that an officer who had borne the brunt of the battle, and who, a few hours before, had exhibited indubitable proofs of valour, could be capable of an action so irreconcilable with his former behaviour, as wilful disobedience of his commander's signal under such circumstances. Was the glory of the day to be sacrificed because one man was forgetful of his honour? Was it the duty of an officer and a seaman to bring on an engagement at any risk in the morning, when his fleet was to leeward, scattered and in disorder, and to avoid one in the evening, when to windward of an enemy, by the admiral's own account, "so much beaten," unless each ship was in her station in a compact line of battle?

The situation of the vice-admiral's ship, dropping astern the whole evening, with her foretopsail unbent, and her other topsails on the caps, indicated either

negligence or misfortune, which it became the paramount duty of the commander-in-chief to ascertain and correct; and if the Formidable could not be got into action, the British fleet, without her, was equal in number, and otherwise infinitely superior to the French, and eleven of their ships, even then, would have been greatly over-matched.

The French fleet when first seen, consisted of thirty-two sail of the line, including two fifty-gun ships, and carried, according to the most accurate accounts, 2270 guns; two of them, namely, Le Duc de Bourgoyne, of 80 guns, and L'Alexandre, of 64, were separated from the fleet before the action, and one went away disabled immediately after it; supposing her to have mounted 64 guns, the remaining twenty-nine had only 2062 guns, which was 216 less than those of the British fleet. The French had one ship of 110 guns, one of 90, two of 80, thirteen of 74, ten of 64, and two of 50. Our fleet consisted of one ship of 100 guns, six of 90, one of 80, fifteen of 74, and seven of 64. So that supposing the admiral to have renewed the battle without the Formidable, two of the enemy's fifty-gun ships must have fought with two of our sixty-fours, five of their sixty-fours with five of our seventy-fours, and three of their seventy-fours, with three of our ninety's.

The vice-admiral's previous spirited behaviour, when on coming out of fire, he doubled at once upon the enemy to renew the engagement without pausing to ascertain the extent of his damage, afforded the amplest assurance, that if Admiral Keppel, instead of carrying sail with his stern to his advancing antagonist, had brought to, when he effected the protection of the

five crippled ships, the Formidable, as well as the other disabled ships of the Blue division, would have been enabled to get into their stations in the line, and the whole fleet would then only have had to edge down, when—if fortune influencing to some extent the fate of all battles, refused a complete victory to the arms of England—an inferior enemy would not have been allowed the shadow of a pretence for proclaiming to the world, "that they pursued the king's great fleet, and repeatedly offered them battle in the best order to leeward."*

In a late biography of Keppel, by the Hon. Mr. Keppel—referring to the cause of the engagement not being renewed on the evening of the 27th—the author states, "that Sir Hugh Palliser repeated the signal to bear down in the admiral's wake, but omitted to repeat the signal for the line of battle."† This statement is certainly at variance with the facts proved by the concurrent declarations of several witnesses on the trial of the vice-admiral, and however natural the anxiety to rescue the memory of a relation from the stigma which must ever be attached to it, of utter incompetency on this momentous occasion, the subversion of facts established upon the sworn testimony of honourable British officers, over whose heads the flags for that signal were flying the entire evening, can scarcely be justified, and if the writer neglected to inform himself of the direct and corroborative evidence against the truth of so criminal a charge, and in confirmation of

* French admiral's despatch.

† The Life of Admiral Keppel, by the Hon. and Rev. Mr. Keppel, vol. ii. p. 44.

the repetition of the signal for the line of battle, ignorance when correct information was easily attainable, cannot be deemed to form a reasonable excuse for the propagation of such glaring inaccuracy.

Captain Bazeley, commander of the Formidable, in his examination, was asked by the court:

"Was the signal of the line flying on board the Formidable the whole afternoon to your knowledge?"

A. "To the best of my recollection it was."

Q. "When you repeated the signal for the line, did you fire a gun at the same time?"

A. "I do not particularly recollect that."

Q. "But are you positive it was repeated?"

A. "Yes, it was repeated; I saw it flying at different times, it was not hauled down before dark."

Lieutenant John Hills, of the Formidable, was sworn, and asked by the court: "Do you remember seeing the signal for the line flying on board the Formidable in the afternoon, and any particular circumstance which brings that to your recollection?"

A. "I do; I did not observe them till Lieutenant Winkworth asked me what those signals were; I told him if he would send down for my signal-book I would inform him. The signal-book was sent for, and I told him it was the signal for the line of battle a-head."

Lieutenant Grosvenor Winkworth, of the Formidable, sworn, and asked by the court: "Had you any conversation with Lieutenant Hills relative to a signal-book in the afternoon of the 27th of July?"

A. "I had."

Q. "About what time, and what was the conversation?"

A. "I cannot speak to the time. I observed Mr. Hogart hoist two flags at the mizen peak; upon which I asked Lieutenant Hills what that signal meant; he said he did not know, but if I would send for the signal-book he would look. I sent for the signal-book, and found it to be the signal for the line of battle a-head."

Q. "How long were they kept flying?"

A. "I observed them flying most part of the evening. All the evening, I believe.

Q. "Was there any gun fired to your knowledge when the signal was made?"

A. "It was that made me look about to see what was the signal that was hoisted."

Robert Haven, gunner of the Formidable, sworn, and asked by the court to produce his expense-book.

Q. "Does it appear that a signal-gun was fired on board the Formidable in the afternoon after the engagement of the 27th? If so, read the article to show the expenditure."

The article was read as follows:

"To fired per signal line of battle a-head.

"July 27, 1778.

"Twelve pounder	1
"Powder	6 lb.
"Cartridge	1"

Q. "Is all this book in your own hand-writing?"

A. "Yes; except Captain Bazeley's signature to it."

Q. "Has it been constantly in your possession ever since?"

A. "Constantly; except when the captain's clerk wished it for the captain's use."

Gunner's mate of the Formidable sworn, and asked

by the court: "Do you remember a signal-gun being fired in the afternoon after the engagement of the 27th of July? and if you remember any thing particular relative to the firing of the gun, give an account of it."

A. "It was fired in the afternoon, presently after the engagement; I fired it myself."

Q. "Do you remember whether the shot was drawn?"

A. "The shot was in it; round and double-headed, and pointed to the water."

Q. "Was there any other signal-gun that afternoon?"

A. "No."

Q. "How came you to know that the round and double-headed shot was in the gun?"

A. "They were all shotted on that side before we came into action, and the gun was never used. I saw them all shotted myself."

Robert Hogart, signal midshipman of the Formidable, sworn, and asked by the prisoner:

"Give an account to the court what signals were repeated on board the Formidable after the Victory passed to leeward of her on the afternoon of the 27th, beginning with the first of them."

A. "Immediately after the Victory passed to leeward of the Formidable, the signal for the line was repeated; that was kept up for some time, then hauled down; then the blue flag was hoisted alone at the mizen peak, then that was hauled down and the signal for the line hoisted again; and afterwards the blue flag was hoisted underneath the signal for the line."

Q. "Were the signal for the line and the blue flag under it kept up all night?"

A. "Yes."

Q. "Was there any time in the afternoon the signal for the line, or the blue flag was not flying?"

A. "No."

Q. "Did you see all those signals you have mentioned flying yourself?"

A. "Yes, I did."

Q. "Were they made with guns or without?"

A. "The signal for the line was with a gun."

Amongst the many writers who have discussed the professional conduct of Keppel in this action, which from its indecisive and inglorious termination, entailed consequences so derogatory to the martial honour of his country, as well as fatal to the peace of Europe. Mr. Clerk, of Eldin, in his "Essay on Naval Tactics," published a few years after the event, gives the fairest and most conclusive exposition of the series of errors which characterized Keppel's command on that memorable day.

The essay referred to, though written by a landsman and a civilian, has obtained the reputation of having influenced by its theoretical reasoning, all the splendid practical results of our great naval battles, since Lord Rodney's victory, in 1782, to the battle of Trafalgar. The introduction to the work is for the most part historical, and is intended to show that, notwithstanding the acknowledged bravery and general naval skill of our seamen, and notwithstanding the success that has usually attended us in rencounters of single ships, yet not a single general action has been fairly fought on equal terms with decisive effect against the French, or French and Spaniards combined, since Mathews's en-

gagement off Toulon, to that of Admiral Graves off the Chesapeak.

A very material distinction subsisted always between the French and English in their mode of warfare. The former, being a continental power and relying most on its army, considered its navy as principally useful in giving protection to its trade, and co-operating occasionally with its military forces. Hence the French commanders by sea, naturally adopted a defensive system of tactics; whilst the English, on the other hand, placing their chief reliance on their fleets, have bent all their attention to the manœuvres for bringing the enemy to close action. Mr. Clerk's book is not, therefore, properly speaking, so much a system of naval tactics, as of that branch of them which treats of the most decisive method of conducting an attack; and on the science of defence he is wholly silent.

The first part of the essay relates to the attack from to windward as practised by single ships, and the author shows that it has always been the custom for the commander of the attacking ship, to make his approaches in such a manner as to be on equal terms with the enemy during the whole of his course. A ship may be brought to close action by a superior sailer to windward in three ways: first, by running down astern and getting nearly into the wake of the enemy, and then coming close alongside; secondly, by shooting a-head, then wearing and running down on the weather bow of the enemy, forcing him to bear away to leeward; or thirdly, on coming parallel to the enemy, to bear down directly and on, till the two vessels are sufficiently near for close action. In the two first cases

it is obvious that whenever the ship receiving the attack can bring her broadside to bear, the ship making the attack can also do the same, and therefore that they are on equal terms, and it is equally manifest that in the third case, the attacking ship, during the whole time she is bearing down, is exposed to a raking broadside from her antagonist, to which she has nothing to oppose but her two bow chases: hence it must necessarily happen that the attacking ship will be more or less damaged in her rigging before she has an opportunity of commencing the action, in consequence of which her antagonist may generally take the option of sailing off without injury, or of commencing a close action under very favourable circumstances.

From the combats of single ships, Mr. Clerk, proceeds to the method of bringing fleets into action, in which cases the British were generally compelled to be the assailants. The aim of the British admirals, in conformity to the fighting instructions, has been to detain and bring to close action the whole of an enemy's squadron; in conformity with which, the van ship of the British has been directed on the van ship of the enemy, and so of every other ship in succession. But this can be done only by bearing down endwise, ship for ship upon the enemy, or forming the line abreast, or else in the lasking method in which the line is formed ahead, and directed in a slanting position on the enemy. In the first of these cases, an engagement between two fleets may be considered as a combat between several pairs of ships, in which the assailants make the attack in the most disadvantageous

manner possible, as already shown in the case of single ships. In the second method it is obvious that the less slanting the line of attack is, the more it approaches to the first case, and is liable to the same objections; and in proportion as the course is made more slanting, it is manifest that a longer line must be described, before the van ship of the assailing squadron can fetch the van of the enemy, during the whole of which course, the van ships being exposed to a heavy fire from nearly the whole of the enemy's line, will suffer proportionably, and be more or less disabled. But if even a single ship in the van of the attacking fleet is materially injured, her course will be retarded, as also will be that of every ship in her rear. Hence the headmost ships will be separated from the rest, and exposed to an unequal combat with the enemy. If the damaged ship is enabled to proceed, or if her second astern is impatient to join the van, the wounded ship must be passed either to windward or to leeward, in either of which cases time is lost, and and the line runs a great risk of being broken, independently of the raking fire fore and aft that ship which passes to leeward is subject to, while performing this manœuvre.

Another circumstance decidedly in favour of a fleet attacked in the foregoing manner is, that the ships composing it present their windward broadsides to the enemy, and therefore their shot takes a much longer range than the leeward batteries of their adversaries, and this in proportion to the force of the wind at the time. Hence it appears that a fleet to windward joining battle with another to leeward in the manner de-

scribed, even if both parties are equally willing to fight, must suffer severely, especially in their rigging, before they have an opportunity of retaliating; and where the fleet receiving the attack are not disposed to come to close action, they may readily retire under cover of the smoke, from an enemy already crippled.

Such was the relative state of British and French naval tactics during many years; the former aiming at the entire destruction of the enemy, made the attack as described, in consequence of which the van of the British was always more or less crippled, and separated from the rest of the fleet, and thus began the action with the van of the enemy, unsupported and to great disadvantage; in the meantime the van ships of the enemy, after a short action, wore in succession, and passed to leeward, while the rest of their fleet making sail a-head, filled up the vacancy, and thus discharged the fire of the whole line on the British van, before the centre and rear divisions could come up to their support. The enemy was thus enabled to form a new line unmolested, two or three miles to leeward of the former, in readiness to repeat precisely the same manœuvre, if their adversaries were at all disposed to hazard a second attack. So entirely were the French convinced of the efficacy of this system of defence, that they often voluntary yielded the wind to the British, and as often gained the advantage in the subsequent battle, as far as withdrawing unhurt and damaging their adversaries can be called an advantage.

Having explained the old system of naval tactics, both of the British and French, as far as regards the

attack from to windward, Mr. Clerk proceeds to cite—in conformation of the objections which he has made to this mode of proceeding—the battles of Admiral Byng, off Minorca; Admiral Arbuthnot, off the Chesapeak; and Admiral Rodney, off Martinico; in all of which, the British line being disordered while at a distance, the van has been separated from the rest of the fleet, and has had to sustain the whole fire of the enemy ship by ship, as they passed in succession to form a new line to leeward.

The mode of attack proposed by Mr. Clerk to supersede that, the disadvantages he has thus demonstrated, is as follows: Let the attacking fleet instead of forming one line, be arranged in three parallel divisions or columns, and when the headmost ships of the fleet have got within the distance of three or four miles from the rear of the enemy to leeward, let one of the divisions be detached to force an attack on the three or four rear ships of the enemy, by falling in their wake and coming up alongside, while the rest of the fleet forms a line by divisions to windward in order to observe that part of the enemy's squadron which is not engaged. This being done, and the wind still continuing in the same quarter as at first, one of two things must necessarily happen; either the enemy must abandon the ships in his rear that are already engaged, or he must return to their support, and come into action to a disadvantage, and as close as his adversary pleases.

Having laid down the general plan of attack, Mr. Clerk proceeds in the subsequent sections, to examine the different methods by which the remainder of the enemy's fleet may attempt to disengage their rear ships.

They may attempt in four ways, by tacking to windward in succession, or all at once, or wearing to leeward in succession, with the van ahead, or at once with the rear ahead. But in none of these cases, as the author shows by diagrams, can the enemy succeed without coming at a disadvantage, into close action with the reserved part of the adverse fleet.

The mode of the attack of fleets from the leeward occupies the next portion of the essay. This may take place when two opponent squadrons are on the same or on opposite tacks. Of the first case, or the simple attack, there are very few examples, the French always preferring to receive battle to the leeward, or on contrary tacks to windward. This latter, called by Mr. Clerk the cross attack, used to be thus conducted; the leading ship of the leeward fleet fetching the enemy as near the van as possible, the two squadrons were brought parallel, and continued under easy sail, exchanging broadsides till they had entirely passed each other. By this manner of proceeding they engaged indeed on equal terms, but the action was necessarily of such short duration, as to prevent any thing decisive from taking place.

Suppose the rate of sailing in each fleet to be no more than two miles and a half an hour (a motion absolutely necessary to give the rudder a proper command of the ship), then the time during which any two ships can be in direct opposition to each other, does not exceed half a minute, and the space between any two contiguous ships in the same line, will be passed over in one minute and a half, if the ships are drawn up with the usual intervals between each other. There-

fore, in order that each ship should give and receive only as many broadsides as their ships in the opposite squadron, every broadside must be prepared in a minute and a half, and discharged in half a minute.

In order to make the attack from to leeward more decisive than it has hitherto been, Mr. Clerk proposes the manœuvre of cutting the enemy's line. This can only be done when the two fleets meet on opposite tacks; and the most simple manner of effecting it, is for the van ship of the attacking squadron, instead of ranging parallel with and to leeward of the enemy, to pass through the first interval that occurs, and thus lead the line directly across that of the enemy. In consequence of this, the van of the attacking fleet will be to windward of the enemy's rear, while the rear will still be to leeward of the enemy's van, thus the attacking squadron will preserve their own line entire, while that of their adversary will be cut in two. Further, the ships of the rear division thus obstructed, having their progress intercepted, are very likely to crowd one upon the other and get into confusion, in which state they must be forced to leeward.

If the line of the enemy is cut within three ships from the rear, these ships must necessarily be forced so far to leeward, that the admiral of the attacking fleet, having detached a sufficient force to compel them to a speedy surrender, will be able to form the last of his squadron in line of battle between the main body of the intercepted rear of the enemy; the consequence of which, will be, that these ships will be secured before the enemy's van can be brought to their assistance,

nor can he possibly recover them without previously defeating in close action the interposed line of battle.

When the line of the enemy is cut near the centre, all the ships astern of the interval through which the attacking fleet has passed, will be retarded and forced to leeward; in the meantime the van of the assailants ranging to windward, and their centre and rear coming up, the enemy's rear will be forced to put before the wind, and will probably lose their heavy sailing vessels before their van can give any assistance.

Similar consequences will ensue if the line of the enemy is cut so as to separate the rest of the fleet from the van; but in this case the attack being made on the combined rear and centre of the enemy, the success will not be so certain.

Another mode of attack from the leeward is, for the van ship of the attacking squadron, followed by the three next astern, to range under the lee of the enemy; while the fifth ship, with all the rest astern, pass across the enemy's line and then cut it in two. This mode, like the preceding, divides itself into three separate cases. If the attack is made on the four sternmost ships of the enemy, the four leading ones of the attacking squadron range close under their lee, while the rest pass between the fourth and fifth from the enemy's rear, thus completely separating these four ships from their friends, which being vigorously attacked both on the windward and leeward quarters, and also ahead, must necessarily be taken. If the enemy's line is cut about the centre, in the manner just described, the success is more doubtful, as the four ships to leeward

will have to sustain unsupported a cannonade from half the enemy's squadron. Still greater will be the risk of failure, when the line of the enemy is cut between the van and the centre; so that, upon the whole, Mr. Clerk is of opinion that this mode of attack should be directed only upon the enemy's rear.

A third modification of attack from the leeward, is for the attacking admiral to fetch the centre of the enemy's fleet with his leading ship, to range with the van and half the centre to the leeward of the enemy, and to pass across the line with the remaining half of the fleet. By these means, if the two fleets are of equal force, say twenty-four sail each, the twelve rear ships of the enemy will be separated from the rest, at the very time in which they are engaged with an equal squadron to leeward. The headmost ships of this rear division will be forced to leeward by the ship which cut the line, and will be pressed still farther and farther down as the rest of the attacking squadron comes up. In the meantime, the leading ships of the division which passed to leeward, having ranged beyond the enemy's rear, will put about in succession, to obstruct his passage to leeward, on the starboard quarter, while the rear ships of the windward division will bear down on the larboard. In these circumstances the intercepted division of the enemy must put about to go before the wind, and in effecting this will be severely raked by the van ships of the windward division, with the certainty of having all his crippled ships picked up by the vessels that are closely pressing on his larboard and starboard quarters. At this moment of cutting the line, the van ship of the enemy will be at least two

miles ahead, and the distance will have considerably increased before any measures can be taken to assist the intercepted part of his fleet; so that they will be able to give little or no molestation till the crippled ships of his rear are secured by the assailants.

The last mode of attack investigated by the author, is the perpendicular, or the attack at right angles. Suppose a numerous fleet, formed in an irregular line abreast, extended to a great length from windward to leeward, and let a much smaller hostile fleet be observed, as the fog clears away, steering in a contrary direction to the larger fleet, with the line of battle formed ahead, at a few miles distance. In this situation of affairs—as actually happened in the morning of the battle off St. Vincent—it is plain that the larger fleet may be defeated with the loss of their windward ships. The smaller fleet must push on to windward, and divide the enemy's line between the fifth and sixth ship to windward; then the whole fleet tacking at the same time, a sufficient force from the rear must be detached to carry the intercepted ships, while the van forms a line to leeward of the divisions now engaged in close action, in order to prevent the rest of the larger fleet from working to windward, and disengaging the division thus cut off.

The conclusion of the work narrates the gallant action of Sir Samuel Hood, in Basse Terre roads, St. Christopher's, February 24th, 1782; Admiral Rodney's battle of the 12th of April, 1782, and the two actions in the East Indies, between Sir Edward Hughes and Suffrein, on the 17th of February, and the 12th of April in the same year.

Applying the principles laid down in this work to Keppel's action, Mr. Clerk demonstrates, in a series of diagrams, how it might have been fought with signal advantage to the British, and concludes with the following observations. "But since the attempt of cutting the enemy's line had not been thought an advisable measure on this occasion, should not some other efficient plan of attack have been concerted by which, upon a supposition if the two fleets should be brought to pass each other on contrary tacks, that the leading ships of the British squadron, after having ranged past the enemy's line, might have been appointed to tack by doubling back, and have brought the ships in the French rear between cross fires? A movement of this kind would likewise have brought on a closer and more general action, or the enemy, in consequence, must have abandoned their rear."

"Not having been able to foresee, provide for, or advise upon either one or the other of the cases, during the four days the British squadron was in pursuit of the enemy, is very extraordinary; because by being to leeward, the enemy desirous of going off, and the wind not changing, it is, without doubt, demonstrable that the encounter of adverse fleets in such a position, and under such circumstances, will never be on the same tack, but of necessity will always be on contrary tacks."*

Although the system demonstrated by Mr. Clerk to be so inefficient, was that generally adopted by British officers in conducting naval battles before the publication of his work, there were splendid and successful

* Clerk's "Essay on Naval Tactics," p. 121.

deviations,—particularly by Anson, Hawke, and Boscawen—from those fighting rules, to which most of our commanders were inveterately wedded, in the teeth even of the frequent experience of their inefficacy as a mode of bringing a reluctant enemy to a close and decisive action. But without applying the test of Mr. Clerk's scientific and conclusive method to the conduct of the British commander-in-chief, on the 27th of July, his rash and singularly disadvantageous manner of beginning the engagement, with his fleet in disorder to leeward, and so close upon the wind, that some of his ships would not fetch any part of the enemy's line, and his cautious and unaccountable avoidance of battle when he could have formed them by shortening sail, or bringing to for the blue division to come up, in a perfect line to windward, and have edged down to action on the same tack with the enemy, or by staying or wearing, on the contrary tack if deemed preferable; are indications of deficient judgment as a naval officer, and of wavering spirit as a man. But the proceedings of the next morning furnish matter of more unqualified mystery, and every seaman must hear with unaffected astonishment, a British admiral announce to the world his apprehensions of a lee shore at least a hundred miles distant, when the variable breezes and tranquil weather that usually accompany our long summer days, would have calmed even a landsman's anxieties, and wooed him under such seducing aspects as a beaten and retreating enemy, to a nearer approach.

By the Victory's log the 28th of July, Plymouth bore N. 40 deg. 10 min.; east, distant fifty-nine leagues. Ushant bore N. 75 deg. 4 min.; east, distant twenty-

seven leagues. From the relative bearings and distances, therefore, of both places, with the wind at west and the weather moderate, the enemy might have been chased till Ushant came in sight, their flight fairly ascertained instead of being complacently assumed, and the British squadron, after having made that island, might have steered for Plymouth with a leading wind abaft the beam, the pursuit of the French rendering it needful to make a very trifling deviation only from the direct course to that port, with an increase of not more than thirty miles between the two distances.

Different were Hawke's ideas of duty and honour, and of what England required of her admirals; when in the same latitude he met the fleet of France commanded by Conflans, and supported only by a part of his own fleet, dashed in amongst the enemy, observing, "he did not intend to trouble himself by forming lines, but that he should attack the Frenchman in his old way, and make downright work with him;" and having sunk two of their ships and caused two more to strike; on a dreary night in November, brought his squadron to anchor off a dangerous lee shore, and forced the French admiral, who, when day dawned, found himself in the midst of his enemies, to run his ship upon the rocks, and thus save himself from being taken as a prisoner to England. But Hawke considered the importance of crushing the enemy paramount to the risk he was compelled to run, whilst Keppel, under circumstances of parallel magnitude to the service of his country deemed, as expressed in his defence, "his mind would have been filled with notions unworthy of his station, if he pursued a fruitless

and hazardous chace," that towards the decline of a July day might have brought him up with his flying foe, or in sight of the coast which originated such extraordinary alarms.

Before the appearance in England of the French admiral's account of the battle, the following letters from emissaries in Paris, were received by the prime minister Lord North.

To Lord North.

"Paris, August 3, 1778.

"My Lord,

"As I suppose it will be agreeable to you to have an authentic account of the engagement between M. d'Orvilliers and Mr. Keppel's squadron, I am enabled to give you what you may depend upon as coming from the highest authority in this country.

"I inform you that for two days before Monday the 27th of July, the two squadrons were in sight, during which the first had offered battle without success; on that day about twelve o'clock it was accepted, and soon became general. When after two hours' trial, M. d'Orvilliers satisfied of his superiority endeavoured to close with his enemy, and having the wind bore down to give that advantage to Mr. Keppel, upon which the latter hugged the wind and declined combat; when he extinguished his lights (the French lights all being up), and by this means Mr. Keppel got off, upon which M. d'Orvilliers returned to port to refit, where he arrived on Wednesday evening. Thus far and that a glorious and important victory is gained, I have the fullest authority for. The more

private, but I believe authentic accounts are, that three French ships were separated from the squadron by the storm before the battle, and the English were one superior—that the loss is 150 killed, and about 500 wounded, and that some disaster is apprehended on board the Victory, as she was the first that bore out of the line, and they seemed in great confusion. M. Duchaffault and his son are wounded and his second killed."

To the Same.

"Paris, August 10, 1778.

"My Lord,

"We have at length received Admiral Keppel's unaccountable account of the battle of the 27th of July. If it gives pleasure and satisfaction in England, that circumstance alone ought to give much satisfaction here. It would prove the English are no more the same people who waged the last war. This glorious English fleet has not taken one ship, and is so shattered as to be unable to proceed in the fight, and returns to port to refit! What a letter, after three days' consideration how to write it; from the 27th to the 30th! How extraordinary in its own contents! He was four days working to bring them to action, and then left them to themselves, because he thought they meant handsomely to try their force the next morning. How could he expect that after the difficulty he had to bring them to any action at all? How could he brag of having permitted them to form quietly, without firing upon them, when the very moment before he

acknowledges some of his own ships could not come up on account of the state they were in as to their sails, masts, and rigging?

"Every letter from the French fleet says and agrees that there was not a cannon fired after three o'clock. Why did Mr. Keppel call off Mr. Palliser who was advancing with five ships to renew the fire? The French admiral has positively asserted that he repeatedly offered Mr. Keppel to renew the engagement, he as positively asserts that the English put out every light and went off, and that the French lights were kept burning all night. As to the three false lights they were not of the fleet, but were the Duc de Bourgoyne and the Alexander, which had been separated on the 24th, and were putting back to port with a prize—a privateer of eighteen guns.

"The French fleet came into Brest on the 29th, and on the 31st several ships were out again. They are all getting out as fast as they can, and it was expected that on the 9th there would be twenty-five of them at sea, so that if the English admiral is still for fighting immediately, he has but to fit and follow.

"P.S. You may depend, except our people have lost their senses, that Pondicherry and every French settlement in India will be taken, as soon as news gets out, via Suez and Bussorah, of the hostilities.

"The French Indiamen are all still out: I have not heard of any embargo on them. The Count de Noc and another ship from L'Orient to America, the Isle de France and another (I suppose them to be king's ships), will soon go to the Mauritius.

"The Duc de Chartres has been up here, and one would have thought they had gained the most complete victory by the rejoicings made, illuminations, fireworks, &c. The report of Admiral Keppel's being killled was universally believed. The rabble made a pasteboard Admiral Keppel, which was drawn in a cart, and burnt on one of the rejoicing nights.

"The Albion man-of-war got into Lisbon about the 20th of July with the loss of a mainmast. There is not a new one big enough for her in any of the king's stores, but they mean to supply her from one of the Portuguese ships."

The following relation of the proceedings of the French fleet was published in the "Gazette of France."

Extract from the Journal of the King's Naval Army.

"The 23rd of July, at one o'clock in the afternoon, after a fresh W.N.W. wind and hazy weather, which had obliged the king's army to stay at the cape, we perceived as it cleared up, a great number of sails to the S. and S.W. by W. The army was then, according to estimation, W.N.W. of Ushant, at the distance of about thirty leagues of that island, and much about the same distance from the Sorlingues, which remained N.N.W.

"The Count d'Orvilliers immediately made a signal to move, and rally the army, in the usual order of battle, the White and Blue squadron, commanded by the Count Duchaffault, in the van, the White squadron, under the general's flag, in the centre, and the

Blue squadron, commanded by the Duc de Chartres, in the rear.

" About four o'clock, the wind blowing fresh from the W., the general made a signal for the king's army to tack about; at the same time the ships we discovered, were rallying.

" The wind having shifted to the S.W., these ships tacked about in some disorder, with a view, no doubt, to gain the wind of the king's army. The Count d'Orvilliers who guessed their project, and wanted to preserve the advantage of the wind, made the army tack about, all the *ships* at once, and run with the fore main sails, fastened in the foretop masts, and assigned the same manner of sailing for the night.

" The weather was very stormy, and at one in the morning of the 24th, the gale of wind increasing, the general ordered the army under the low sails; but as soon as daylight appeared, he saw with pain, that the Duc de Bourgoyne, of eighty guns, and the Alexandra, of sixty-four, had separated from the army, and were no longer to be seen. The Count d'Orvilliers bore down upon them, as well to reconnoitre them, as to rally with more facility the king's army, whose order had been deranged in the night by the thick weather. The frigate, La Sensible, commanded by the Chevalier Bernard de Marigny, was detached to chase forward, and reconnoitre more nearly the ships we descried. On the report made by that frigate, the Count d'Orvilliers judged they could be no other than the English army, under the command of Admiral Keppel, who, as well as the king's army, were manœuvering to re-

pair the damages of the night. He then made the double signal, to tack about by counter-march, and range the army in order of battle.

" At noon it blue fresh, at W.N.W., and the weather very stormy; the gale still increasing as the wind shifted to W.S.W. At seven o'clock the general indicated the fore main sails for the night.

" The 25th, at fore in the morning, the enemy's army remained at E.S.E., four degrees eastward, at the distance of three leagues; the wind W.S.W.; the king's army spent that day in manœuvering to preserve the advantage of the wind.

" The 26th, at four in the morning, the English army remained at E.S.E., five degrees E., at the distance of about two leagues from the king's army; the horizon had cleared up, and seemed to announce fair weather:— At eight o'clock, the Count d'Orvilliers made a signal to prepare for an engagement, and at half-past ten another signal to tack about by a counter-march, all sails flying, to preserve the advantage of the wind, receive, and afterwards attack the enemy; the horizon soon grew cloudy, the wind rose to the S.W. and veered to the S.S.W., with the appearance of foul weather. The Count d'Orvilliers lost all hopes of fighting that day.

" The 27th, at four in the morning, the wind had shifted to the W., and announced favourable weather. The enemy's army E.N.E., four degrees E., at the distance of two leagues and a half from the king's army. The Count d'Orvilliers, observing that the English admiral was raising his rear to the wind, and willing to make sure of his project, and at the same time draw

nearer to the enemy, ordered his army to tack about by counter-march. No sooner was the order of battle formed, than the Count d'Orvilliers plainly perceived that the whole intention of the English admiral was to fall on the rear of the French army, and extend his line along-side of it. To prevent this, he caused the whole army to tack about at once, with orders to form in order of battle inverted, the Blue squadron composing the van, the White the centre, and the White and Blue the rear. By this bold manœuvre, which was extremely well executed, he was able to counteract the design of the enemy, to assist the Blue squadron, and take on the English army the same position that their admiral wanted to take on the king's army, which drew up in good order in that line, at ten quarters offing; and when the head of the enemy's army presented itself to fight, behind the Blue squadron, they found it on the other side in order of battle, as in reserve for the moment; the White and Blue squadrons ran at ten quarters offing, and the ships kept too close together on the opposite side to fear that the enemy's line would dare attempt to break them through.

"The English admiral was then forced to prolong the French army, and fight along-side of it. The firing began by the Blue squadron, which formed the van, and continued successively through the whole line, in such manner, that each French ship gave her broadside to every English ship, and likewise received theirs. The fire was very hot on both sides for about three hours; it appears that the firing of the king's army was served with more vivacity than that of the English army.

" The position of the enemy to leeward, was more advantageous for pointing the guns, and serving the first battery; the Count d'Orvilliers, willing to deprive him of that advantage, made a signal for the Blue squadron to come up by a successive movement, and then another for the whole army to range itself in order of battle. That movement which was afterwards well executed, was nevertheless too much delayed to follow the line, and prolong, under the wind, from tail to head, the English army, as the general had proposed to do.

" It is not astonishing that a movement which was instantaneous, and which opportunity gave birth to, was not perfectly laid hold of, at the first instant; but the Duc de Chartres having passed under the stern of the general to ask his intention, the Count d'Orvilliers answered, that his intention was to continue the order of battle inverted, by passing under the enemy's wind, to deprive him of the advantage of his position, which was speedily executed. This evolution stopped the English admiral, whose army had already tacked before the wind by counter-march, and was bearing on the tail of the French army, by running in a line at ten quarters offing. The English admiral having met with the king's army in battle array, and opposed to his route, was forced to make a retrograde movement, and profitting by his actual position to windward of the French army, to rally his own in order of battle on the starboard.

" The king's pursued that of England, and constantly offered them battle in the best order to leeward, from two in the afternoon till the next morning; but the

English admiral doubtless did not think fit to accept it, and availed him of the darkness of the night to effect his retreat, by carefully hiding his fires, whilst all the ships of the king's army carried theirs, that their position might be clearly perceived by the English army.

" The 28th, at night, the king's army keeping off the latitude of Ushant, where they had established their cruise, the astonishment was general when they discovered the Isle of Ushant itself, which the Count d'Orvilliers thought himself distant about twenty-five or thirty leagues. It is known that after several days' cruise at the mouth of the Channel, several of which had been employed in evolutions which do not permit to make an exact calculation of the route, an error of twenty-five leagues on the longitude is not extraordinary, and that the effects of the currents, not to be estimated in the accounts in those parts, might alone have occasioned it, if other causes had not concurred thereto.

" The Count d'Orvilliers, seeing himself off the harbour of Brest, determined to enter in with his army, as well to put the wounded on shore, as to take such tackle in as some ships might stand in need of, to continue their cruise.

" Total officers killed in the action..... 6 ; men ditto, 157
Total officers wounded .....25 ; men ditto, 495"

CHAPTER IX.

THE FLEET REFITTED—UNSUCCESSFUL CRUISE IN SEARCH OF THE ENEMY—PALLISER'S DISPUTE WITH KEPPEL.

Unsuccessful Operations of our Naval Armament in America—Lord Howe out-manœuvred by Count d'Estaing—Resigns his Command and returns to England—Narrowly escapes being captured by D'Orvillier's Squadron in the Chops of the Channel—Palliser's Letters to the Earl of Sandwich—Damage sustained by the Ships in the Action off Brest—The Channel Fleet again puts to Sea—Unsuccessful Cruise—Anonymous Publication reflecting on Sir Hugh Palliser—Traced to a Relative of Admiral Keppel's and a Lieutenant of his Ship—Palliser's Letters to the Earl of Sandwich on the Subject—Palliser requires Keppel to contradict the Slander contained in the Publication—Keppel's Refusal—Palliser's published Account of the Action off Brest—Palliser's Interview with the King—Parliamentary Proceedings—The Memorial of twelve Admirals to the King—Remarks on the Memorial—Presented by the Duke of Bolton—His Naval Character.

1778.

THE warlike schemes of government were destined to be as fatally marred along the opposite shores of the Atlantic, as in the home seas, and the operations of our splendid naval armament in America, amounting to ninety vessels of war, under the chief command of

Lord Howe, were attended with as little honour and success as those of the Channel squadron guided by Admiral Keppel. On the 6th of August, Lord Howe proceeded to Sandy-Hook, Rhode Island, with the alledged intention of attacking the enemy's fleet, which had passed the batteries of the island on the 8th of August; but on his arrival, instead of availing himself of the favourable opportunity of going in with a fair wind, he anchored his squadron off Point Judith. The wind changing in the mean time, the French admiral, sensible of the dangerous situation of his fleet, repassed the batteries under a heavy fire, and advanced to attack the British admiral at sea. Instead, however, of accepting the proffered battle, a struggle for the weather-gage having the appearance of a flight, was maintained by the British squadron for some days, in which Lord Howe was out-manœuvred by the French commander, D'Estaing, and a gale having separated the fleets, his lordship abandoned the pursuit, and returned to Sandy-Hook, whence, resigning his command, he sailed for England in the Eagle, and narrowly escaped being captured by the French squadron, under D'Orvilliers, which he passed through in the chops of the Channel. But Lord Howe, afterwards, during his command of the home fleet, amply retrieved the ineficiency of his services on the American coast, exhibiting, as in Keppel's case, another unfortunate illustration of the error of entrusting offices of such national magnitude, to men of strong party bias, connected with an adverse political faction, and avowedly hostile to the government, confiding in their exertions, and placing them in

situations, requiring not only the qualifications of able sea commanders, but all the zeal and integrity of men who felt themselves engaged in a contest involving the honour of their friends, and the safety of their country.

The anxieties of the nation were soothed for a while by the conviction, that the French, as described in Admiral Keppel's account of the battle of the 27th, "were so beaten" that they fled under cover of the darkness of the night, and took refuge in their own port. The secret intelligence received by Lord North from Paris, showed, however, that whilst every nerve was strained by our officers to get the shattered British fleet again to sea, M. d'Orvilliers was already out with twenty-five sail of the line. A closer inspection of the damage sustained, also demonstrated, that the enemy's fire in this action was well sustained and well directed, and that the king's ships suffered as much nearly in their hulls as in their masts and sails, though the usual tactics of the French were to aim their broadsides aloft, desirous of destroying the spars and rigging of their adversaries, and thus rendering them unmanageable.

On the arrival of the fleet in Plymouth Sound, Sir Hugh Palliser writes as follows.

Sir Hugh Palliser to the Earl of Sandwich.

"Formidable, July 31, 1778.

"My Lord,

"I troubled your lordship with a short letter on the 28th, when I had only just time for it, understanding a vessel was going away immediately. Although I am now more at leisure, I can't add much respecting

our encounter on the 27th; however, for your lordship's private information, I send you a summary account, such as I am able to give of it.

"I have seen your lordship's letter of the 18th inst., to Admiral Keppel, and as your lordship allows it I can't help troubling you with my sentiments and conjectures about some matters concerning the service. From the French stealing away, I conclude they are very much damaged, and that they got into Brest the next day or the day after. As to the surmise that they were to go to Quiberoon Bay, I think it is very probable, if they had any intention to embark troops for a descent in England or Ireland; but I am inclined to think it very uncertain, that they will attempt to carry such a scheme into execution, after they have seen our strength and felt some hard blows; however, I have no doubt but they will refit their fleet with all possible expedition, and reinforce it to the utmost of their power, and if you have not very authentic accounts of the Toulon squadron being otherwise destined, I shall believe they will join the Brest fleet, and that they will exert every nerve to dispute with us the superiority in the home seas; this I shall believe to be the case, until I know for certain, that the Toulon squadron or some ships from Brest are sent abroad; therefore though it will be certainly right to have a squadron ready for the East Indies or elsewhere, yet I shall hope it will be thought not right to detach any ships before they are sent.

"I fear if many frigates do not speedily arrive from America, our coasts and trade will be exposed to fre-

quent mischief from squadrons of frigates and privateers. Much more caution is necessary in conducting this than any former war; hence your lordship will perceive that I consider the operations of the French in this war will be regulated by the schemes, operations, and advice of some able and well-informed British traitors. A few days here, and a few supplies will, I hope, put us into sufficient condition to attend their motions. The peaceable language of the Spanish ambassador must be pleasing at this critical juncture; I wish it may not prove as dissembling as that of the French.

"I cannot conclude without thanking your lordship for the despatch you gave at my request, respecting the Scarborough volunteers, who arrived when we were under sail it; would not have been fair to dispose of them otherwise, as that corporation and Stockton gave 10*l.* a seaman entirely on my account, and 5*l.* to landsmen. Amongst the killed in this ship fell the boatswain, who is a very great loss at this time. I have had a good character of the boatswain of the Blenheim, therefore beg the favour of your lordship to let him be appointed to the Formidable, and that his warrant may be sent down here by the first express or post.

"I am at considerable disadvantage respecting lieutenants; two being ill before the action, and one wounded in the beginning; this can't be helped, but my greatest distress of all is the want of petty officers; if your lordship should have any recommended for preferment, who have not served their full time, I wish

you would send them to the Formidable, where they may not be out of the way.

"I have the honour to be, with the greatest respect,

"My Lord,

"Your lordship's most obedient

"and most humble servant,

"HUGH PALLISER.

"P.S. I am not yet able to make choice of a boatswain here in ordinary, will you be so good as trust me with a blank warrant to be filled up under any restriction you may be pleased to prescribe; I shall take one to whom it will be preferment and not one in commission, or not going to sea; and will you please to direct Lord Shuldam to order any lieutenant I may apply for, to act in the room of the two sick on shore, taken from ships now going to sea. Suppose the Blenheim.

The Same to the Same.

"Formidable,

"Plymouth Sound, August 10, 1778.

"My Lord,

"I am surprised at that part of your lordship's letter of the 7th inst., where you say you have not heard a syllable concerning the action from any of your friends but Admiral Keppel. I assure your lordship the best summary account that I was able to give, for a circumstantial one, I believe it was in no one's power to relate, the fleet was so much extended, and the beginning of the action was so sudden and

unexpected, that very few, if any, can tell what happened anywhere, except where he was himself. Your lordship is very obliging in your notice of what I wrote about a carpenter. In my first letter I wrote about a boatswain in the room of the one killed in the action. I have written to Captain Brodie exactly in the terms you wish.

"Major Innes must, at least I am sure ought to be satisfied with your reasons for not complying with his request.

"We find a great deal more to do to make us fit for sea than we were aware of, both in our mast, rigging (and what is more surprising), an unusual number of shot holes deep under water, so that the Robust, Egmont, Vengeance and Conqueror are obliged to go within the island to give large keels to get at them. The Egmont is docked. This ship had about seventy shot holes in her side, and five under water; it is wonderful we lost so few men. No time will be lost in getting the whole ready. I am still firmly of opinion, as I told your lordship in my first letter (which I perceive you have not received), that the French will come out again to meet us, although I cannot persuade many here to think so; these contemptible opinions of our enemy are attended with many bad consequences. I do all I can to correct them. Don't doubt, my lord, of our bringing matters to a more decisive issue the next meeting, if our people will but believe that the French mean to give us battle, and to dispute with us the command in the British seas.

"I can't help being very anxious about reinforcements, for I don't clearly see how you will keep pace

with what I am very apprehensive France can do—especially if the Toulon ships come round to Brest, and if the Spaniards join them, God knows what will happen.

"I take the liberty to inform your lordship, that our ships that are hastily equipped, and men tumbled on board them almost the moment of their going to sea, are by no means fit for immediate action; in many respects, there being so many things to be done (besides getting her under sail) for which there is not time, especially with only a few able men, and more especially what concerns the gunner's matters; for the Ordnance officers do not put the furniture of the guns on board in that complete state they ought to be.

"I here inclose a memorandum of some particulars, which I submit to your lordship, whether you think it right to talk to Lord Townsend, or write an official to the Board of Ordnance. Captain Collins tells me he intends to offer to your lordship's consideration a proposal for the marines at quarters, to be exercised at great guns as well as small ones. I am of opinion it will be very useful, for every ship is obliged to take some of their marines to man their great guns; and it often happens, that in ships hastily manned, they may go into action without a single man at some of the guns, who has ever been exercised at a great gun, or has seen one fired. This is not the case with the French, who have regular companies of gunners for their ships.

"I have written to Mr. Stephens for a lieutenant, to supply the place of one sick on shore; your lordship is so obliging as to say Mr. Winkworth shall be appointed.

"I wrote your lordship a short letter the very day after the action, to say your son was well: if I omitted to mention that he had no dislike for the smell of gunpowder, it was a neglect, for I assure you no young man could have behaved better; he was constantly at his post, close by me, attending to nothing but the orders I gave.

"I am, with the greatest respect,
"My lord,
"Your lordship's most obedient
"And most humble servant,
"HUGH PALLISER."

Notwithstanding the message by Captain Faulkner, and the many opportunities afforded Keppel since his return to port, of explaining its signification to Lord Sandwich, no disapprobation of Palliser's conduct on the 27th of July was conveyed to his lordship, either directly or indirectly; on the contrary, the following letter to the Admiralty, on the eve of the departure of the fleet in search of the enemy, repeats the confidence expressed on former occasions, by the commander-in-chief, in the Vice-admiral of the Blue, conjointly with the officers and men who before accompanied him to battle.

Admiral Keppel to Philip Stephens, Esq., Secretary to the Admiralty.

"Victory, Causand Bay,
"August 20th, 1778.

"Sir,

"I beg you to inform their lordships that the ships

most ready of Vice-admiral Sir Robert Harland, and Vice-admiral Sir Hugh Palliser, will proceed to sea to-morrow, and continue off the Sound till I join with the ships most backward, which I flatter myself I shall be able to do on the next day. The Egmont, which ship has been docked, I fear will not be in readiness to proceed on that day, but in a day or two after.

"I shall have great satisfaction in carrying the very same ships in quest of the enemy's fleet, that came into port with me, having the fullest confidence in the zeal, bravery, and exertion of every officer in the fleet, as well as the men serving in it.

"The very extraordinary works that have been expedited by the officers and people in the dock-yard, directed by Commissioner Parry, Mr. Hunt the surveyor, the builder, and every other officer, has been such as to merit much approbation; I am sure I feel great obligation to every department in the dock-yard. Vice-admiral Shuldham has used the utmost efforts in assisting my desires, all that was in his power.

"I am, Sir,

"Your most obedient,

"And very humble servant,

"A. KEPPEL."

During the absence of the fleet in this unsuccessful search of the enemy, murmurs of dissatisfaction at the inglorious results of the late action were loudly uttered throughout the kingdom, and the appearance of a paragraph in the "Merning Intelligencer," from the pen of one apparently cognisant of the chief transactions of the day of battle, directed the popular indignation

against the Vice-admiral of the Blue, who was charged in this anonymous publication as follows:

"The principal cause of Mr. Keppel's not re-attacking the French, at half-past three in the afternoon (being at this time totally refitted from the damages sustained in the morning), was Sir H—— P——r's not joining him, agreeable to signal to form the line, he being, at that time, four miles to windward with his division. Mr. Keppel observing a non-compliance, made other signals for the respective ships of Sir H——'s division to bear down to him, which, in complying with, Sir H—— called them back into his wake.

"Captain Laforey of the Ocean, distressed how to act, in consequence of this counter order, sailed up to Sir H—— to ask him whom he was to obey. Mr. Keppel still observing that division continuing to windward, and neither of them obeying the signal, made one for the Fox, Captain Windsor, to come to him; and desired him to go with his compliments to Sir H——, that his signal had been unremittedly kept up for him and his division to form a line; he supposed they did not see it, as they had not complied with it, and that they only waited for him and his division coming down to renew the action. It was night before the division did come down, so the occasion was lost by the French disappearing the next morning. Mr. Keppel's situation is not to be expressed, when he found himself defeated in the fair prospect he had.

"These facts will appear in every log-book in the fleet; so that if an inquiry into this affair was to take place, his conduct would bear the strictest scrutiny, as

hitherto no visible reason has appeared as an excuse in Sir H—— P——r for not complying. Sir Robert Harland's division, and Mr. Keppel's, who had sustained, to all appearance, as much damage as Sir H——; those two divisions were refitted for action at the time above mentioned, and Sir H—— had not repaired his, lying all the time with his foretopsail shattered, and not refitted.

"The damage sustained of loss of men on board Sir H—— was chiefly owing to cartridges blowing between decks."

The following letters relate to the cruise of the fleet and to the vice-admiral's feelings, when the infamous slander contained in the foregoing newspaper paragraph met his eye.

Sir Hugh Palliser to the Earl of Sandwich.

"Formidable, 26th October, 1778.
Beating into Spithead.

"My Lord,

"It gives me real concern that the occurrences of our cruise have not been such as to countenance me in troubling your lordship with an account of particulars, for not having had the good fortune to meet the French fleet, every thing else has been unpleasing; the first part of our cruise was particularly fine weather, the middle and latter very boisterous and bad, by which many of the ships have suffered much in their masts and sails, and the fleet has been dispersed; some of them are very foul, others leaky; particularly the Ocean, which has been so to an extraordinary degree, owing chiefly to

her sheating having been kept on too long; it is now so rotten, that it washes off in bad weather, and of course the ship becomes very leaky; she will require a good repair and caulking, with some strengthening works to her.

"Some French merchant ships fell in our way; but in the bad weather many were disabled, and the whole dispersed, so that it is possible they may be retaken.

"Our chief has, at times, been very much afflicted with his disorder, and appears to be much chagrined at his bad luck. I wish I could give a better account of myself. I assure your lordship, I never underwent so much anxiety about any thing as I have done during this cruise about the object of our pursuit, nor more vexation at our disappointment; nor more fatigue and pain from the disorder in my foot, which, about two months before I left town, broke out afresh, and instead of healing again, as I had expected, and as upon former occasions it had done, it has been constantly growing worse, insomuch, that if after a little rest it does not grow better, I fear I must undergo a similar operation to that which I underwent several years ago. During the cruise it very rarely permitted me to get an hour's sleep at a time.

"I have the honour to be, with the greatest respect,

"My Lord,

"Your lordship's most obedient,

"And most humble servant,

"HUGH PALLISER."

The Same to the Same.

"Portsmouth, October 28th, 1778.

"My Lord,

"By Admiral Keppel's first express, I had the honour to write to your lordship, for we both got in too late for the post. Since that time I have learnt more about the condition of the ships; and although I am very imperfectly informed of any thing, I fear we have brought you in a fleet almost all unfit for service at present. I have seen Lord Howe only for a moment, so I know nothing about the state of our ships in America. I came on shore last night for the sake of a little rest and quiet, which was very much interrupted by a paper put into my hands on landing, containing a paragraph to justify Admiral Keppel's conduct for not continuing the battle on the 27th of July last, and laying the whole blame on me and my division. After such a publication, I think the nation has a right to know, and I am determined it shall be rightly informed, whether I am, or any one else is blameable for what had passed on that day; nevertheless I shall not do any thing rashly, although I think of the absurd aspersion with the highest indignation.

"I have ever resolved to disregard anonymous papers, yet the quarter from whence this reflection evidently comes, makes it exceedingly alarming, and together with many other disagreeable things too numerous to mention in a letter, makes me feel a very miserable being at present.

"Admiral Keppel is not yet on shore, but the moment he is, I shall speak to him upon it in very serious

terms; I have only one favour to hope, which is, that I may not be out of the way when Parliament meets.

"I am with the greatest respect,
"My Lord,
"Your Lordship's most obedient
"And most humble servant,
"HUGH PALLISER."

The Same to the Same.

"Pall Mall, October 31.

"My Lord,

"Your lordship must not be surprised that in my present unpleasant situation, I am not in a condition to think of any thing else but the measures that may be best for me to take. Amongst the many things that successively come into my head, I have for the present fixed on two for further consideration, as expedients for obtaining that satisfaction I ought to have, and without which I can neither serve nor live. The one is an easy, quiet way, without disturbing the peace of any one else; the other a more direct way of coming to the point, and matters of fact; but which may be productive of many things disagreeable to others, which had better be avoided if possible. I have put my thoughts together on these two, merely to take time to reflect before I adopt any measures whatever, wishing to avoid every thing that may be deemed rash.

"I have the honour to be, with the greatest respect,
"My Lord,
"Your Lordship's most obedient and
"Most humble servant,
"HUGH PALLISER."

On the arrival of Admiral Keppel in town, Sir Hugh Palliser at once wrote to him, requiring his written contradiction of the scandalous reports which had been circulated against him. The anonymous paragraph was traced to Lieutenant Berkely, an officer of the Victory, and the admiral's nephew, who had been sent from the fleet whilst they were at sea.

The paper transmitted to Keppel for signature was as follows:

"Having seen a paragraph in the 'Morning Intelligencer,' of the 5th of last month, highly reflecting on the conduct of the Vice-admiral of the Blue, on the 27th of July last, when the fleet under my command engaged the French fleet, and the vice-admiral having informed me that reports, to the same purpose, have been propagated by some officers of the Victory, I think it necessary, in justice to Sir Hugh Palliser, to publish to the world, that his conduct on that day was in every respect proper and becoming a good officer. And I further declare that when I made the signal in the evening for the ships to windward to bear down into my wake, and afterwards, for particular ships of Sir Hugh's division to do so, he repeated those signals properly; and that the calling his and Sir Robert Harland's division into my wake in the evening was not for the purpose of renewing the battle *at that time*, but to be in readiness for it in the morning; that in obedience to the said signals, such of the ships of Sir Hugh Palliser's division as were in condition for it, *did* immediately bear down, as did the rest so soon as they were able; so that Sir Hugh Palliser and his whole

division were all in my wake accordingly by the next morning before daylight, ready for action."

As no answer was returned to this request, Sir Hugh Palliser called the following day upon Keppel, and in order to meet every objection on his part, expressed his willingness to waive the admiral's signature to the paper tendered him, and to accept any thing that might be agreed upon, if tantamount to his authorised contradiction of the aspersions cast upon him by the published slanders of his relative. This Keppel refused; when the vice-admiral, with much warmth and indignation, thus appealed to him; the correctness of which when afterwards repeated in Parliament, he challenged him to deny.

"Is it possible that you can countenance such injurious reports against me? I never knew why the battle was discontinued before it had been brought to a decisive issue. I cannot let the matter stand upon this footing. My reputation is wounded. The nation is dissatisfied, and it has a right, if there was any fault, to be shown where it lies."

By the refusal of the admiral either to deny or to substantiate the correctness of the charges propagated against him, Palliser was driven in self-defence to a publication of the following letter, with an annexed account of the action.

To the Editor of the London Evening Post.

"Pall Mall, November 4.

"Sir,

"Having seen since my late arrival at Portsmouth,

a very scandalous paragraph in the 'Morning Intelligencer' of the 15th of last month, directly charging me with being the cause of Admiral Keppel's not re-attacking the French fleet, in the afternoon of the 27th of July last, containing many gross falsehoods, calculated expressly to wound my reputation, and to represent me in a culpable light to the whole nation; and being well-informed that injurious reports of the like nature have been industriously propagated for the same purpose by some malignant, wicked people, it becomes necessary for me, in order to vindicate my own conduct, to publish such particulars relating to the battle on that day, as may enable the public, who have a right to be fully informed of the truth of a matter of so much importance to them, to judge whether I was the cause of the French fleet not being re-attacked on that afternoon; I therefore request you will publish the enclosed paper containing the facts necessary to be known, in order to justify me from the said foul aspersions.

"After the nation is in possession thereof, if any individual, or if Parliament, or the nation at large, call for a public inquiry, I am ready to stand the issue of such inquiry, but I shall not answer any questions in newspapers, or otherwise.

"Your's, &c.

"HUGH PALLISER."

"At about six o'clock in the morning, on the 27th of July, the British fleet was upon a wind on the larboard tack, lying up about W. by N., my division leading on that tack, the French fleet was to windward. At half-

past six a signal was made for several of the ships of my division to chase to windward, which occasioned them to stretch far ahead.

"At ten the whole fleet tacked together per signal, and stood towards the French fleet, who soon after were plainly discovered to be on the larboard tack, in a regular, well-formed, close line of battle ahead; our fleet approached them without any order or line of battle. The ships of my division were separated from me by the above signal; the ships of the other two divisions, though not in a regular line, appeared to be nearly so, and in a collected body, excepting the Duke, which was far to leeward.

"About eleven firing began between the headmost ships in our van, and some ships in the van of the enemy's fleet, which became general as our ships got up in succession; each proceeding from that part of the enemy's fleet, which they respectively fetched, on towards the enemy's rear, engaging as they advanced along their line.

"Admiral Keppel with his division fetched the French admiral, and there began to engage.

"About noon, in the Formidable, I fetched within random shot of the Duc de Chartres' ship, who commanded the van division of the enemy's fleet; he fired many broadsides at the Formidable, but being at too great a distance, she did not return a single shot, but reserved her fire till she came within point blank shot of the ship she could fetch; there I began to engage, and passed on to the French admiral in the centre of the line, engaging within musket shot, and alone; having no second either ahead or astern, the ships of

my division being scattered and separated from me by signal as afore-mentioned; however, they all got into action, and though not in a connected body with their admiral, did their duty so well, that they suffered the most, as appears by the damages sustained by those ten ships, being equal to the damages sustained by all the twenty ships that composed the other two divisions. This was occasioned by the regular and connected line of the enemy's ships being preserved; whereby they were enabled to employ a greater force upon each ship in the war of our fleet, who were separated at a considerable interval from each other, occasioned by the before-mentioned signal to chase, and from hence arose the numerous damages the Formidable sustained, being subjected to the angular fire of a long range of the enemy's ships as she continued her progress along their line. This comparison of the damages appears by the account published from Admiral Keppel's letter of the killed and wounded, which was as follows:

"Admiral Keppel's division, 43 killed, and 142 wounded.

"Vice-admiral Sir Robert Harland's division, 22 killed, and 45 wounded.

"Vice-admiral Sir Hugh Palliser's division, 68 killed, and 186 wounded.

"By the blowing up of some powder on board the Formidable, about twenty men were hurt, but I do not recollect that any one was killed thereby. The accident was occasioned by a man having a cartridge under his arm at the time he fired his gun. It is said the like accident happened on board other ships.

"I proceeded on with the Formidable to the sternmost of the enemy's ships, keeping my mizen topsail aback all the time, and engaged every ship within musket shot, the two last of which appeared not to have sustained any damage from any of our ships that had passed before us, not a shot-hole being seen in their sails: the Formidable brought down one of the enemy's ship's main-yards, which ship appeared to be otherwise much damaged, for she quitted their line, and went off before the wind, attended by a frigate.

"Between two and three o'clock I had passed the sternmost ship of the enemy's line; at this time Admiral Keppel was at a distance coming up, and a number of ships about him, and, I think, with the signal for battle flying. I concluded he was advancing to renew the battle; Vice-admiral Sir Robert Harland was, with several ships, to windward of the rear of the enemy. I immediately wore the Formidable, and laid her head towards the enemy, in order to endeavour to get into battle again, expecting it to be renewed when Admiral Keppel came up. We were then exactly in a line with the enemy's line, and at about random shot from their sternmost ships. In this situation the Formidable lay a considerable time, no other ship near her. Soon after this the van and centre of the enemy broke their line, and appeared to be in confusion: some with their heads one way, some another.

"The Victory shortened sail, and unbent her maintop sail; and about this time some of the enemy's ships appeared to be filing off towards us, and two or

three of their fresh ships standing directly for the Formidable; I therefore wore again, and laid her head towards Admiral Keppel to meet him: then the enemy's ships edged away and pointed to leeward of our fleet and began to form the line in that division.

"When the Victory and Formidable met it was past three o'clock; the Victory passed the Formidable to windward, wore, passed under her stern, ran down to leeward of her, and made sail ahead; this left the Formidable at a distance astern, and somewhat to windward of the Victory's wake, which signal I repeated, for it was understood to be for Vice-admiral Sir Robert Harland and his division to bear down, who was then far to windward, and he accordingly did bear down, and brought up in the admiral's wake, then nearly abreast of the Formidable, and a little way to leeward of her.

"At this time it was apparent to the rest of the fleet (if it was not so to those in the Victory), that the Formidable was not in a manageable condition; we were then employed in knotting, splicing, &c., to get the ship under command, and to be able to make sail to get up with the admiral, who was making sail on the starboard tack, the French fleet then astern doing the same.

After Sir Robert Harland's division had been some time in the admiral's wake, he, with his division (by orders it is said), crowded all the sail they could carry, to get ahead of the admiral's division.

"Late in the evening we saw the admiral had made the signal for some particular ships of my division (not the Formidable's, her incapacity being so apparent),

all which signals I repeated; the Ocean, and such of them as were under command, bore down according to the signal; others were not in a governable condition, and being employed as I was, knotting, splicing, &c., did not immediately bear down. It is to be observed that the Formidable, and the ships of my division were the last that came out of the engagement, were the most damaged, and had had the least time to refit; and that it is the disabled ships of my division that are alluded to in Admiral Keppel's letter, where he says, 'The object of the French seemed to be the disabling of the king's ships in their masts and sails; in which they so far succeeded, as to prevent many of the ships of my fleet being able to follow me when I wrote to stand after the French fleet,' &c.

"If, according to the preceding paragraph, extracted from the admiral's own account, they were unable to follow him, when he immediately made sail the contrary way, it was unreasonable to suppose them capable of taking, and keeping their stations in a line of battle, at a cable's length asunder, whilst in that condition.

"Can any one possibly believe (as the dark assassin asserts), that Admiral Keppel called those same crippled ships to him in order to renew the attack, and at the moment when he had just sent Sir R. Harland away from him with his division of fresh ships, who had been the longest out of the action, and had had the most time to repair their damage? Besides, the admiral's letters declare that it was not his intention to re-attack before the next morning.

"At night the Fox frigate, Captain Windsor, came to the Formidable, with a message from the admiral to me, 'That he wanted the ships of my division to come into his wake,' but said not a word about his waiting for them in order to renew the attack, as is falsely asserted. He was answered by myself from the stern gallery, in the following words, 'Acquaint the admiral I have repeated his signal for it:' and was going to say, 'Tell him that the moment my ship is under command, I will endeavour to get nearer to him.' But the company of the frigate interrupted, by giving three cheers, which the Formidable's people returned. It then blew fresh, was dark, and the frigate passed so quickly, that there was not time to say thing more which could have been heard.

"The night was cloudy, with rain, and very dark; it required all the tattered sails the Formidable could possibly set in the afternoon, and in the night to keep way with the admiral, so that we could only spare one topsail at a time to be unbended, in order to bend others. After we had knotted and spliced as much rigging as we could to secure the masts, and make it safe to set sail upon them, and having shifted a fore and mizentop sail, the ship was then under command, and long before daylight, the Formidable, and every ship of my division, were in the admiral's wake, expecting to engage immediately at daylight, but the enemy's fleet were gone off."

The damage sustained by the Formidable, in the opinion of every seaman, must verify the vice-admiral's assertion of her unmanageable condition. His

ship, unless totally dismasted, could not well be more disabled, or more incapable of keeping pace with the admiral carrying double-reefed topsails and foresails.

The Damages by Shot to her Masts and Hull.

Bowsprit.—Shot six feet from the cap, on the under part four inches through.

Foremast.—Shot at the third woulding on the aft side two inches deep, between the fifth and six woulding, nine inches deep; six feet above the forecastle a large shot, twenty-two inches through, which discovered the mast to be perfect touchwood, and was in danger of going over the side, having no stays, and only one shroud to windward; the wound was judged to be so bad by the officers of the yard, that they would condemn it at Plymouth; but the vice-admiral desired, if possible, to have it fished and cased that he might be ready for sea the sooner.

Foreyard.—Shot three inches and a half deep on the starboard arm, and a slight wound on the larboard.

Foretopmast.—Shot three feet below the cap, three inches and a half through, and another slight wound.

Maintopmast.—Shot through with a double-headed shot below the cap, which took away more than two-thirds of the mast.

Maintopsail yard.—Shot seven feet from the arm four inches and a half deep, and a slight wound on the slings.

Mainyard.—A wound six feet from the slings.

Mainmast.—Shot under the fifth woulding, six inches deep.

Mizenmast.—A little below the pounds, shot through with a large shot which took away two-thirds of the diameter, and could not be secured by fishing.

Mizenyard.—Shot in two places.

Forecastle.—Fife rails and david chock shot to pieces, many shots in the starboard side, and three large shots under water; one lower deck-port shot away, and others wounded.

Fore-channel.—Three chain plates shot away.

Main-channel.—Two ditto.

Mizen-channel.—One ditto.

Fixed block in the side for the fore-sheet, shot to pieces, and seventy-five large shots in the hull, five of them under water.*

State of the Formidable's Sails and Rigging after the Action.

The jib and all the staysails before the foremast, with all the gear belonging to them all cut to pieces—hanging over the bows and were cut away. The fore-top-sail torn to rags and rendered totally useless. The foresail very much torn, and an infinite number of shot holes in it, so as to be of little or no use. The stay-sails between the masts likewise cut all to rags and rendered useless. The main topsail many shot holes in it, and much torn. Foot rope cut, so as to make it dangerous to set the sail properly, had the main top-mast been in a proper state. Mizen topsail very much cut and torn.

* Evidence of the Formidable's carpenter.

Rigging about the Foremast.

The ropes in general about the bowsprit, and the fore and spring stays shot away. Only one fore shroud left standing on the weather-side, and three to leeward; several of them cut in two places. Only one pair of foretopmast shrouds standing on the lee side, and none to windward. All the back stays shot away. Foretopgallant stay and shrouds, braces, bowlines, and all the running ropes about the foremast, with the foretacks and sheets on both sides, all shot away.

Rigging about the Mainmast.

Mainspring-stay shot away. Only two main shrouds to windward left standing, and four to leeward, several of the others cut in two places. Only two of maintopmast shrouds left standing to windward. Maintopmast stay, spring stay, and all the weather-back stays shot away. Maintopgallant shrouds, and all the running ropes (one main brace excepted), main tacks and sheets on both sides, shot away.

Rigging about the Mizenmast.

Three of the weather-mizen shrouds, and most of the running rigging, shot away.*

The day after Palliser's account of the engagement, appeared in print, he, Admiral Keppel, and Lord Howe, had each an audience of the king, who expressed his perfect approbation of the conduct of the Vice-admiral of the Blue and his division, on the 27th of July. Sir

* Evidence of the captain of the Formidable.

Hugh, therefore, immediately wrote to Captain Bazeley for the information of the captains of his division, whom the anonymous paragraph equally stigmatised, stating, that as the king was satisfied, they ought to be satisfied, and hoping there would be no further discussion relative to the action.

Here, probably, the matter would have terminated, but for the concerted attack upon Palliser, by Admiral Keppel and his partisans, on the assembling of Parliament.

Sir Hugh Palliser writes as follows on the subject of interview with the king.

Sir Hugh Palliser to the Earl of Sandwich.

"Pall-Mall,
"November, 6th, 1778.

"My Lord,

"I have had a most gracious reception indeed from his Majesty, which, as it ought, makes me perfectly easy. Admiral Keppel was about half-an-hour in the closet, I guessed from some things which dropped from his Majesty, that the admiral declined conversing about the engagement, reserving himself, in case any inquiry should be called for, until then. Lord Howe was in for a much longer time. I had a little conversation with his lordship, and was sorry to find from what he says, that it is very doubtful whether the expedition will proceed to the West Indies. Amongst other reasons, he speaks of the ships not being able to proceed if these westerly winds continue. I hope some thing will arrive before the convoys sail that may inform us for certain whether the expedition goes on, and with

what ships. I am very uneasy about the state of our provission in America, fearing they may not have enough to carry them through the winter, and as for the ships now going out with supplies, the odds are they will not get hold of the coast, but that they may be blown off. I shall wait upon your lordship in the morning.

"I am most respectfully, my lord,
"Your lordship's
"Most obedient and most humble servant,
"HUGH PALLISER."

On the 2nd of December, the house resolved itself into a committee of supply on the navy estimates, when it was moved that 70,000 seamen should be employed for the service of the year 1779.

Mr. Temple Lutterell in speaking to the motion, called the gentlemen's attention particularly to its being the first conversation that had taken place in that house upon the conduct of the Admiralty since the 27th of July, the business of which day loudly demanded an immediate inquiry either there or elsewhere. He begged the committee to consider that Admiral Keppel would not sail again with the same vice-admiral, the Vice-admiral of the Blue. He did not attempt to blame either the vice-admiral or the commander-in-chief, but he said, the whole nation expected that the affair would be investigated, so that if either officer deserved censure, it should be passed upon him, and if it appeared that the difference between the two officers, arose merely from ill-grounded jealousy, it was essential to the service that such jealousy should be removed.

The two admirals were, he observed, now in their places; he hoped, therefore, they would one or both give the house some information on the subject, as well for the sake of their own honour, as for the sake of the public peace and tranquillity, at a moment when it was so essential that unanimity should prevail, at least that our military commanders both by sea and land should have no differences.

Lord North and Admiral Keppel both stood up for upwards of a minute, but the cry was for Keppel, who was pointed to by the chair.

Admiral Keppel said he could not sit silent, when he found himself called upon so directly by the honourable gentleman who spoke last, however disagreeable it might be to him to say any thing respecting the affair of the 27th of July, an affair in which his character as an officer was so materially concerned. It had been said in that house on a preceding occasion, that if Admiral Keppel were to go through the business again, he would not fight the French in the same manner. He declared he would do so, for that every thing had been done that could be done, and he was happy to say the British flag had not been tarnished in his hands. He impeached no man of neglect of duty, because that the officer alluded to, Sir Hugh Palliser, had manifested no want of what was most essential in a British seaman—*courage!* He apologized to the house: said he seldom spoke in public, nor could he trust to his memory. In consequence, therefore, of what had passed in that house on the first day of the session, he had committed to writing what he thought necessary to

say on the occasion, whenever his conduct should happen to be introduced into conversation or debate, which with permission he would read.

Admiral Keppel accordingly produced a written paper, the substance of which was, "that he had been called upon at a period very critical to his country, to stand forth in her defence, and accepted the command of the fleet without having a single friend in the administration. He was satisfied with the number and condition of the ships, with the skill and gallantry of the officers, and with the bravery of the men. Nothing was left untried to bring the French to a decisive action. He laid no blame any where, for it was his constant practice to promote the public service, more by example and encouragement, than by the rigour of discipline."

The admiral said, "he had been much surprised, when an officer under his own command had made an appeal to a public newspaper, signed with his name, before any accusation had been made against him, and was so shocked that he resolved never to sail with the gentleman alluded to. He did not suspect the ministers of being the authors or promoters of the abuse which appeared in the public prints; he was perfectly indifferent as to their smiles and frowns, and was still ready to serve his country to the fullest extent of his abilities."

Sir Hugh Palliser rose as soon as Keppel sat down, and declared he was so conscious of not having been any hindrance to the renewal of the action with the French fleet on the 27th of July, that he was equally indifferent with the honourable admiral how soon an

inquiry was set on foot; on the contrary, though it might generally be thought more advisable for the sake of the public to suppress an inquiry, it was his interest to wish for one, because he was certain it would then come out that he had done his duty in every respect, both as an officer and a man. "The honourable admiral," he said, "seemed to speak with a kind of reserve, as if there was something behind. He heartily wished him to speak out, that knowing fully what was imputed to him, either on the score of neglect, inactivity, or want of judgment, he might have an opportunity of fairly answering the charge, and abiding the judgment of the committee, whether he was or was not criminal. He had discovered from what the honourable admiral had just said, that the principal matter which weighed against him in the admiral's mind, was, the publication in the newspaper, a publication which he had signed with his name, and by which he would abide. If it was imprudent, if it was wrong, the consequence was to himself. The honourable admiral had been kind enough to do him justice on the essential point of courage, he should nevertheless be exceedingly uneasy if he was thought deficient in other respects as an officer. It was on that very account that he appealed to the public. He heard after he came on shore, that it had been insinuated, that he had been a hindrance to the re-engagement with the French fleet on the 27th of July. An unauthenticated insinuation of a neglect of duty was a severer stroke to an officer than any direct terms of accusation, because it was more difficult to remove entirely; he, therefore, to clear his honour, which he felt attacked, waited on

the commander-in-chief to have the matter set to rights, and to have those insinuations wiped away, but he could get no redress. To say any thing against a friend, was to a man of sensibility the most disagreeable thing in nature, but where an officer's reputation was at stake, the removing an unjust stigma was certainly the first object. He had therefore appealed to the public, he had stated facts, and by those facts he would stand or fall.

"With reference to the report of not obeying signals it was a false report, but even were it true, the public service would not have been affected by it, considering the superiority of the British fleet, and the circumstances of the day. Before he sat down, he repeated his assertion, that he was neither guilty of inactivity nor of neglect of duty, and in fact, that he was in no manner instrumental in preventing a renewal of the action with the fleet of M. d'Orvilliers. He repeated that he held all whispered insinuations, and all affected tenderness in the utmost contempt. If there was any real ground of accusation, why not make it fairly and openly? If not, why insinuate that he had been wanting in point of conduct, though a testimony was given in favour of his courage. This he said was a language extremely different from the admiral's despatch containing an account of the action, in which he informed the Admiralty-board of the just and gallant conduct of all the officers under his command. On the whole, he despised all the means resorted to, both within and without the doors of parliament, to vilify and traduce him as a professional man, but conscious of his innocence, he feared

neither reports nor assertions, neither a parliamentary inquiry, nor a public trial."

Admiral Keppel replied, "That the vice-admiral defended his appeal to the public, on the ground that his conduct had been grossly misrepresented in the public prints; he should nevertheless continue to think such an appeal was extremely improper. As to any insinuations or indirect charges he knew not whence they came. For his part he had made none, nor *did he know any part of the vice-admiral's conduct deserving of censure*, but seeing the name of Sir Hugh Palliser signed to a letter in the 'Evening Post.' The vice-admiral quoted his despatch from on board the Victory, containing a full approbation of the conduct of all the officers present that day, in which he was included. Most certainly the conclusion was fair, and he was ready again to repeat it, and point that testimony, particularly, as well as generally. The vice-admiral had alluded to signals, and said, that it was no fault of his that the fleet of France was not reattacked. As to that he would say, that he presumed every inferior officer was to obey the signals of his commander, and now when called upon to speak out, he would inform the house and the public, that the signal for coming into the Victory's wake was flying from three o'clock in the afternoon, until eight in the evening, unobeyed; at the same time he did not charge the vice-admiral with active disobedience. He doubted not that if any inquiry should be thought necessary, that he would be able to justify himself, because he was fully persuaded of his personal bravery."

Mr. Lutterell rose, and was proceeding to make ani-

madversions on what had just passed, and moved an address to the crown to order a trial of Sir Hugh Palliser, but was called to order by Lord Mulgrave for deviating from the subject; the navy estimates being the subject properly before the house.

At the termination of this discussion, Palliser walked over to Keppel in his seat in the house, and told him, that in consequence of the reflections cast upon his conduct, he was determined to call for courts-martial on them both. Accordingly, seven days after this debate, the vice-admiral lodged charges of misconduct against Admiral Keppel, on five different heads, copies of which were transmitted him with the following letter:

Philip Stephens, Esq., to Admiral Keppel.

"Admiralty Office, December 9th, 1778.

"Sir,

"Sir Hugh Palliser, Vice-admiral of the Blue squadron of his Majesty's fleet, having in his letter of this day's date, transmitted to my Lords Commissioners of the Admiralty a charge of misconduct and neglect of duty against you, on the 27th and 28th of July, 1778, in divers instances therein mentioned, and desired that a court-martial may be held for trying you for the same; and their lordships intending that a court-martial shall be held for that purpose, I have it in command from them to send you herewith a copy of the said charge, that you may be preparing for your defence.

"I have the honour to be, Sir, &c.

"PH. STEPHENS."

In reply to a letter from Keppel in answer to this, the secretary of the Admiralty writes, naming the 7th of January—or a later date, if the admiral should not be ready—for the assembling of a court-martial, and concludes as follows:

"As to the astonishment you express at the countenance you conceive their lordships have given to this proceeding, by resolving, on the same day on which the charge was exhibited, to order a court-martial, their lordships order me to acquaint you that they know of no instance in which the Board of Admiralty, upon receiving a specific charge of such a nature, signed by an officer of rank, serving under the party accused, and accompanied with the request for assembling a court-martial thereupon, have delayed coming to a resolution to order one, nor would they have thought themselves justified if they had hesitated to take the necessary steps for bringing the matter to an early and legal decision.

"I have the honour to be, Sir, &c.

"PH. STEPHENS."

On the 11th of December, Mr. Temple Lutterell rose and observed, that in the committee on the navy estimates, in the presence of two great naval officers, he mentioned the affair of the 27th of July, when both the honourable gentlemen rose in their places and respectively defended their characters. Two circumstances came out, however, on that occasion, which formed the true ground of the question he was about to submit to the house. One was, that the com-

mander-in-chief said that his signal to engage was out from three till eight in the afternoon, and was not obeyed. The vice-admiral admitted the signal, but urged the impracticability of obeying it, from the damage he had received. The motion he intended to make was founded on the conversation between the admiral and the vice-admiral. "He moved that a humble address be presented to his Majesty to inquire into the conduct of Vice-admiral Sir Hugh Palliser."

After some pause, Sir Joseph Mawbey rose and seconded the motion.

Sir Hugh Palliser then rose from his seat next to Lord North on the Treasury bench. "He looked upon himself," he said, "most injuriously treated by the attack of some dark, concealed assassin in a newspaper; that he waited on his admiral, as the only person who could afford him that assistance he wanted towards vindicating his character. This application proving fruitless, he had recourse to the sole means in his power of wiping off the aspersion—an appeal to the public. This he had done in a fair and open manner. Here the affair rested till the honourable gentleman who made the present motion brought the subject to be discussed in that house, on which occasion he could not help observing, that the honourable admiral, instead of explaining, acted, in his opinion, in a very unbecoming manner; for, without making any direct accusation of a criminal nature, he substantially charged him with disobedience, and seemed to lay the want of success on the 27th of July at his door, either on the score of refusing what was actually in his power to do, or on a mere want of

knowledge in his profession. These were insinuations he had determined he would not lie under. He was conscious he had performed his duty, nor would he, from any notions of convenience, expediency, or public opinion, father the faults of any man, and be compelled to bear the blame of his mistakes and incapacity. Therefore, finding that neither by personal applications, nor from public motives, the admiral could be prevailed upon to do him justice, and that he asserted in the face of the nation, that he would never serve with him again, he found himself driven to the necessity of doing what was extremely irksome and disagreeable; that was, of accusing Admiral Keppel of being the cause of our disappointment on that day, when, if the British flag was not disgraced, it gained no additional honour. He was compelled to do this, to repair the injury done to his honour. Such was the precise situation he stood in. What he had done, therefore, was dictated by self-defence, and he did it with the utmost pain and reluctance, as there was no man living he had a higher esteem for than the honourable admiral, as a friend and an intimate acquaintance whom he had known for many years, and whose intimacy and friendship he had looked upon as one of the happiest circumstances of his life."

The charges exhibited by the vice-admiral were then laid upon the table.

Admiral Pigot affirmed that the Admiralty acted very rashly and hastily in this business. An officer of Mr. Keppel's rank, services, and professional character, deserved another kind of treatment. The Ad-

miralty should have acted with a becoming caution, before they received the vice-admiral's complaints, and acted upon them.

Lord Mulgrave replied, that the constitution of the Board was such, that when a complaint was preferred, they were, of course, not only compelled in discharge of their office to receive it, but to give the necessary directions to proceed to trial. What could the Board do? The vice-admiral prefers an accusation properly drawn up and specifically pointed. They must either take upon themselves to prejudge the truth of those charges, or admit them to be such as were fit to be sent for the consideration of a court-martial. The first they could not—dared not do, being totally ignorant of the truth or falsehood of them; the second they were obliged to comply with, because the matter admitted of no alternative. Sir Hugh Palliser said, he found that no reparation for his injured honour was to be obtained, but by a trial. It could not be expected that he would accuse himself. Admiral Keppel, though he censured him by openly declaring that he would never serve with him, at the same time refused to make that kind of accusation which alone could put him in the way of vindicating himself; he was, therefore, driven to the necessity of becoming an accuser, when he could not obtain justice by any other mode. If his conduct was criminal, why did not the admiral call him to account in a proper manner? If it was not criminal, how could the admiral reconcile to himself publicly charging him with disobedience, and accompanying that charge with a declaration that he would never serve with him again? The truth was, the

public were disappointed relative to the event of the engagement of the 27th of July. No mark of disapprobation was expressed as to the conduct of the vice-admiral, until the public dissatisfaction was made known, when it was industriously circulated, that it was his fault that the French squadron was not re-attacked.

This was the true state of the case. And as to not making the accusation earlier, the question might be asked of the admiral, why did he not mention his disapprobation earlier?

On the assertion of Sir Joseph Mawbey, that the first Lord of the Admiralty directed the deliberations of the vice-admiral. Sir Hugh Palliser affirmed upon his honour, that beyond mentioning to his lordship his determination not to submit to the calumnies in circulation against him, he had no previous concert with the noble lord alluded to, nor with any individual at the Admiralty-board. What he had done was purely in vindication of his own honour and character; that such being the object he had all along in contemplation, he never communicated a syllable of his ultimate intentions to any man, and be the event what it might, he could with truth repeat, that he acted throughout upon his own judgment, without either counsel or advice.

On the 16th, Admiral Pigot brought in a bill to authorise the admiralty to hold the court-martial on shore. The plea for this motion was the admiral's ill state of health,* and the bill was carried through both houses ofparliament without much opposition.

* In one of the pamphlets of the day it is observed, "An ill state of health, with which the admiral had at times been long afflicted, was the

Previous to the assembling of the court-martial, the following memorial was drawn up by some of Keppel's partisans, and handed round for signature to the different flag officers then at home, but all refused to countenance or support it, with the exception of the admirals whose names are annexed thereto.

"We the undersigned admirals of your Majesty's royal navy, having hitherto, on all occasions, served your Majesty with zeal and fidelity, and being desirous of devoting every action of our lives, and our lives themselves, to your Majesty's service and the defence of our country, think ourselves indispensably bound by our duty to that service and that country, with all possible humility, to represent to your wisdom and justice:

"That Sir Hugh Palliser, Vice-admiral of the Blue, lately serving under the command of the Honourable Augustus Keppel, did prefer certain articles of accusation, containing several matters of heinous offence against his commander-in-chief, to the lords commissions for executing the office of Lord High Admiral of

plea upon which the motion was grounded; and, although I do not mean to call in question the justness of the plea, I cannot help thinking that it does not well accord with the prior and subsequent boasting of his friends. Before the admiral had notice to prepare for trial, his friends represented him as the only man in the kingdom capable of being her *saviour*. And the act authorising the Board of Admiralty to order the trial on shore was no sooner passed, than his advocates, forgetting all bodily infirmity, insisted that he was the only sea-officer capable of interposing between Great Britain and that danger which then threatened her. If the admiral's state of health had long been such, that the going on board of a ship in Portsmouth harbour, and the coming on shore again, only once a day during the trial, would have imminently endangered his life, I hope I may be allowed to say that he could not be the *fittest* person to direct Britannia's thunder amidst *conflicting elements*."

Great Britain, he, the said Sir Hugh Palliser, being himself a commissioner in the said commission; this accusation he, the said Sir Hugh Palliser, withheld from the 27th of July last, the time of the supposed offences committed until the ninth day of this present December, and then brought forward for the purpose of recrimination against charges conjectured by him, the said Sir Hugh Palliser, but which, in fact, were never made.

"That the commissioners of the admiralty, near five months after the pretended offences aforesaid, did receive from their said colleague in office, the charge made by him against his said commander; and without taking into consideration the relative situation of the accuser and the party accused, or attending to the avowed motives of the accusation, or the length of time of withholding, or the occasion of making the same, and without any other deliberation whatever, did, on the very same day on which the charge was preferred, and without previous notice to the party accused of an intention of making a charge against him, give notice of their intending that a court-martial should be held on the said Admiral Keppel, after forty years' of meritorious service, and a variety of actions, in which he had exerted eminent courage and conduct, by which the honour and power of this nation, and the glory of the British flag had been maintained and increased in various parts of the world.

"We beg leave to express to your Majesty our concern at this proceeding, and to represent our apprehensions of the difficulties and discouragements which will inevitably arise to your service therefrom; and

that it will not be easy for men attentive to their honour to serve your Majesty, particularly in situations of principal command, if the practice now stated to your Majesty be countenanced, or the principles upon which the same has been supported shall prevail with any lord high admiral or with any commissioner for executing that office.

"We are humbly of opinion that a criminal charge against an officer (rising in importance according to the rank and command of that office), which suspends his service to your Majesty, perhaps in the most critical exigencies of the public affairs, which calls his reputation into doubt and discussion, which puts him on trial for his life, profession, and reputation; and which, in its consequences, may cause a fatal cessation in the naval exertions of the kingdom, to be a matter of the most serious nature, and never to be made by authority but on solid ground, and on mature deliberation. The honour of an officer is his most precious possession and best qualification; the public have an interest in it; and whilst those under whom we serve countenance accusation, it is often impossible to restore military fame by the mere acquittal of a court-martial. Imputations made by high authority remain long, and affect deeply. The sphere of action of the commanders-in-chief is large, and their business intricate, and subject to great variety of opinion; and before they are put on the judgment of others for acts done upon their discretion, the greatest discretion ought to be employed.

"Whether the Board of Admiralty hath by law any such discretion, we, who are not of the profession of

the law, cannot positively assert, but if we had conceived that this board had no legal use of their reason in a point of such delicacy and importance, we should have known on what terms we served; but we never did imagine it possible that we were to receive orders from, and be accountable to, those who by law were reduced to become passive instruments to the possible malice, ignorance, or treason, of any individual who might think fit to disarm his Majesty's navy of its best and highest officers. We conceive it disrespectful to the laws of our country, to suppose them capable of such manifest injustice and absurdity.

"We therefore humbly represent, in behalf of public order, as well as of the discipline of the navy, to your Majesty, the dangers of long concealed and afterwards precipitately adopted charges, and all recriminating accusations of subordinate officers against their commanders-in-chief, and particularly the mischief and scandal of permitting men, who are at once in high civil office and in subordinate military command, previous to their making such accusations to attempt to corrupt the public judgment by the publication of libels on their officers in a common newspaper, thereby exciting mutiny in your Majesty's navy, as well as prejudicing the minds of those who are to try the merits of the accusation against the said superior officer.

"HAWKE.	BRISTOL.
"JOHN MOORE.	JAMES YOUNG.
"BOLTON.	MATTHEW BARTON.
"SAMUEL GRAVES.	FRANCIS GEARY.
"HUGH PIGOT.	SHULDHAM.
"ROBERT HARLAND.	CLARK GAYTON."

This singular and unjustifiable document—singular from its reasoning, and unjustifiable from its tendency to stay the arm of justice—if it means any thing, means this, that the conduct of officers in situations of principal command, be it what it may, should never subject them to be brought to a trial, and that any inquiry which may "call their reputation into doubt and discussion," should always be avoided, "as it is often impossible to restore military fame by the mere acquittal of a court-martial." But the most singular part of the disgraceful production, is the motive assigned by the subscribing admirals for the adoption of this mode of communicating their sentiments to his Majesty. Begging leave to represent their apprehensions of the difficulties and discouragements which will inevitably arise to his service, by accusing culpable commanders-in-chief, "it will not be easy," say they, "for men attentive to their honour to serve your Majesty if they shall be liable to be brought to a court-martial." These admirals however had deplorably mistaken the feelings of men attentive to their honour, described in their memorial, as "an officer's most precious possession and his highest qualifications." Men attentive to their honours are the men least apprehensive of that investigation which would tend to divest it of every unjust and ill-founded imputation, and which from a consciousness of the strict and honourable performance of their duty, they would most assiduously court. What choice was left the Lords of the Admiralty, and even if so disposed, how could they be justified in attempting to smother the cause of an event so inglorious and disastrous to their country,

as the inferior fleet of France being permitted, after a passing skirmish, to depart unmolested, and lay claim to a victory? Charges of a most specific nature were preferred, borne out in appearance by the indecisive results of the meeting with the enemy, therefore a searching examination, fairly entered into and equitably conducted, was the only means they possessed of ascertaining whether those charges were well or ill-founded, and it was imperitavely required of them, not only to sanction but to facilitate a judicial inquiry.

The last paragraph of this ignominious though abortive effort to throw the protection of silence and concealment over the acts, and to bolster up the sinking reputation of the chief commander, at the expense and probable ruin of an officer in subordinate authority — applied to the conduct of the memorialising admirals themselves, could scarcely be rendered more appropriate; for if the vice-admiral's publication in vindication of imputed disobedience and neglect of duty, was an attempt, as they insinuate, "to corrupt the public judgment, as well as to prejudice the minds of those who were to try the merits of the accusation against his superior officer," what terms are most suitable to their own malignant endeavour to taint that very source from which an honest sentence ought to flow.

It is but due to the distinguished veteran seaman whose name heads the list of signatures, to observe that when the subsequent trials showed how great would have been the wrong inflicted upon the Vice-admiral of the Blue, if the memorial had been acted upon, he expressed the deepest regret at having signed

it, stating that the Earl of Bristol had taken advantage of his ill state of health and incapacity at the time, to weigh maturely the propriety of lending his support to it, and had seduced him into sanctioning that unwarrantable solicitation of his Majesty's arbitrary interference with the course of military justice.*

"It appears extraordinary," says a writer of the day, "that Sir Robert Harland should sign the memorial presented to the king by the Duke of Bolton. In the engagement off Ushant, Sir Robert Harland was so prepossessed in his opinion that Admiral Keppel meant to renew the attack, that he actually pointed out the French ship which he intended to engage, and ordered his master to lay him alongside of her as soon as the admiral should renew the engagement. The engagement was not renewed, and Sir Robert Harland was of course disappointed. Yet he has now signed a memorial to the king representing the extreme hardship of trying a man for having neglected to do what he himself expected he would have done.

"The signature of Sir Robert Harland to the memorial presented to the king, can only be accounted for on this principle: Sir Robert was promoted to the command of the division through the interest of Admiral Keppel.

"As for Admiral Campbell, he is materially con-

* Lord Hawke was so indignant with the Earl of Bristol for having mistated matters to him on this occasion, that he would never afterwards see him. This Lord Hawke declared to Captain Maplestown, Lieutenant-governor of Greenwich Hospital, who mentioned the circumstance to many.—*Palliser MSS.*

cerned in stopping, if possible, the court-martial, because should there be any thing censurable in the commanding conduct of the fleet, the professional skill of Admiral Campbell will be greatly depreciated."

The notorious naval character of the Duke of Bolton —the admiral entrusted with the presentation of the memorial—gave the *coup-de-grace* to this memorable procedure. The gallant sailor in question, had twice been subjected to the ordeal of a court-martial, on charges of cowardice and neglect of duty.

On his return from the East Indies he was brought to trial by Admiral Griffin, who charged him with misconduct when in command of the Exeter of sixty guns, "and that he did not hearten and encourage the inferior officers and common men to fight courageously; but on the contrary, behaved himself faintly, forsook his own station on the quarterdeck, and showed marks of fear by bobbing and otherwise."* Five years afterwards, when in command of the Barfleur, one of Sir Edward Hawke's squadron, he was detached in pursuit of some of the enemy's vessels, and took that opportunity of stealing home to port, where he was found by the admiral when he returned from his cruise.† On this occasion, the ingenious device of loosing the sternpost of his ship by the oath of his honest accommodating carpenter, and thus proving that it would have been unsafe to remain at sea, saved his life, but bequeathed to him the appellation of Admiral Sternpost, in which it was his grace's good fortune ever afterwards to rejoice. The sentence, there-

* Admiralty records. Court-martial on Captain Harry Powlet.

† Beatison's Naval Memoirs.

fore, in the memorial, "that it is often impossible to restore military fame by the mere acquittal of a court-martial,"—from personal experience in the matter, may have been feelingly pointed by the illustrious officer who presented the document to his sovereign. That upright monarch, however, treated this object of his grace's solicitude with the contempt it so eminently merited, and beyond the mere circumstance of receiving the production, took no further notice of it.

CHAPTER X.

COURT MARTIAL ON ADMIRAL KEPPEL.

Charge exhibited against Keppel—The Demeanour of Palliser contrasted with that of Keppel, by an Eye-witness—Remarks on the Extraordinary Conduct of the Court—Their Attempts to elicit the Opinions of Witnesses as to Keppel's Conduct—Resisted by several of the Witnesses—Lord Mulgrave's Address to the Court on the Impropriety of converting Witnesses into Judges—Alterations in the Log-books of the Formidable and Robuste—The Attack on Captain Hood—He maintains his Right to Revise his Log-book—Alterations in other Log-books of the Fleet not noticed—The Log-book of the Victory, the Admiral's Ship, containing the only False Entry proved by Admiral Campbell, and the Master of the Victory—Palliser's Private Letters to the Earl of Sandwich during the Trial—Remarks on Keppel's Defence—Its Singular Contradictions—Palliser refused Permission to Address the Court, and observe on the Evidence—The Sentence of the Court—Public Riots—Sir Hugh Palliser's House attacked by the Mob, and the Contents destroyed—He narrowly escapes falling into their Hands.

1779.

A COURT-MARTIAL, composed of the following members, assembled on board the Britannia, on the 7th of January, and as soon as sworn, adjourned to the governor's house.

PRESIDENT.

Sir Thomas Tye, Admiral of the White.

MEMBERS.

Matthew Buckle, Esq., Vice-admiral of the Red,
John Montagu, Esq., Vice-admiral of the Red,
Marriot Arbuthnot, Esq., Rear-admiral of the White,
Robert Roddam, Esq., Rear-admiral of the White.

CAPTAINS.

M. Milbank,	William Bennett,
Fra. Sam. Drake,	Adam Duncan,
Taylor Penny,	Philip Boteler,
John Montray,	James Evanston.

When the court re-assembled on shore, Sir Hugh Palliser's application to the Admiralty for the court-martial, together with the following charge, were read.

" CHARGE.

" *A Charge of Misconduct and Neglect of Duty, against the Honourable Admiral Keppel, on the 27th and 28th of July*, 1778, *in divers instances, as undermentioned:*

" I. That on the morning of the 27th of July, 1778, having a fleet of thirty ships of the line under his command, and being then in the presence of a French fleet of the like number of ships of the line, the said admiral did not make the necessary preparation for fight, did not put his fleet into a line of battle, or into any order proper either for receiving or attacking an enemy of such force; but, on the contrary, although his fleet was already dispersed and in disorder, he, by making

the signal for several ships of the Vice-admiral of the Blue's division to chase to windward, increased the disorder of that part of his fleet, and the ships were in consequence more scattered than they had been before; and whilst in this disorder, he advanced to the enemy, and made the signal for battle; that the above conduct was the more unaccountable as the enemy's fleet was not then in disorder, nor beaten, nor flying; but formed in a regular line of battle on that tack which approached the British fleet, all their motions plainly indicating a design to give battle, and they edged down and attacked it whilst in disorder. By this unofficer-like conduct, a general engagement was not brought on, but the other flag-officers and captains were left to engage without order or regularity, from which great confusion ensued; some of his ships were prevented getting into action at all, others were not near enough to the enemy, and some from the confusion, fired into others of the king's ships, and did them considerable damage; and the Vice-admiral of the Blue was left alone to engage, singly and unsupported. In these instances, the said Admiral Keppel negligently performed the duty imposed on him.

"II. That after the van and centre divisions of the British fleet passed the rear of the enemy, the admiral did not immediately tack and double upon the enemy with these two divisions, and continue the battle; nor did he collect them together at that time, and keep so near the enemy to renew the battle as soon as it might be proper; on the contrary, he stood away beyond the enemy to a great distance before he wore to stand towards them again, leaving the Vice-admiral of the

Blue engaged with the enemy, and exposed to be cut off.

"III. That after the Vice-admiral of the Blue had passed the last of the enemy's ships, and immediately wore, and laid his own ships towards the enemy again, being then in their wake, and at a little distance only, and expecting the admiral to advance with all the ships to renew the fight, the admiral did not advance for that purpose, but shortened sail, and hauled down the signal for battle; nor did he at that time, or at any other time, whilst standing towards the enemy, call the ships together, in order to renew the attack, as he might have done, particularly the Vice-admiral of the Red, and his division, which had received the least damage, had been the longest out of action, were ready and fit to renew it, were then to windward, and could have borne down and fetched any part of the French fleet, if the signal for battle had not been hauled down, or if the said Admiral Keppel had availed himself of the signal appointed by the 31st Article of the Fighting Instructions, by which he might have ordered those to lead who are to lead with the starboard tacks on board, by a wind, which signal was applicable to the occasion, for renewing the engagement with advantage, after the French fleet had been beaten, their line broken, and in disorder. In these instances he did not do the utmost in his power to take, sink, burn, or destroy the French fleet that had attacked the British fleet.

"IV. That instead of advancing to renew the engagement, as in the preceding articles is alledged, and as he might and ought to have done, the admiral wore and made sail directly from the enemy, and thus he led

the whole British fleet away from them, which gave them the opportunity to rally unmolested, and to form again into a line of battle, and to stand after the British fleet. This was disgraceful to the British flag, for it had the appearance of a flight, and gave the French admiral a pretence to claim the victory, and to publish to the world that the British fleet ran away, and that he pursued it with the fleet of France, and offered it battle.

"V. That in the morning of the 28th of July, 1778, when it was perceived that only three of the French fleet remained near the British, in the situation the whole had been in the night before, and that the rest were to leeward, at a greater distance, not in a line of battle, but in a heap, the admiral did not cause the fleet to pursue the flying enemy, nor even to chase the three ships that fled after the rest; but on the contrary, he led the British fleet another way directly from the enemy. By these instances of misconduct and neglect, a glorious opportunity was lost of doing a most essential service to the state, and the honour of the British navy was tarnished.

(Signed) "H. PALLISER."

Few events created more interest and discussion, not only at the time, but for years afterwards, both in the British navy and throughout the kingdom, than the trials of Admiral Keppel and Vice-admiral Sir Hugh Palliser; and as they proceeded, the military nature of the inquiry became almost totally merged by the intemperate interference of a clamorous party,—into a subject of political strife which rent the service

into opposite factions, and engrafted a character upon the feelings of many gallant distinguished officers, at variance with the honourable discharge of their professional duties, and prejudicial in the highest degree to the martial honour of their country.*

A London journal contains the following judicious observations. "In some of the papers it was yesterday stated, that the Duke of Bolton had presented a petition to his Majesty, signed by himself and several other admirals, complaining of the Board of Admiralty for having so precipitately granted a court-martial on Admiral Keppel. It is to be hoped that this is not true. It were to be wished that such a naval officer as the Duke of Bolton would refrain from openly espousing Admiral Keppel. A bad advocate injures a good cause.

"Whether the charges against Admiral Keppel be or be not well founded, the court-martial will determine. The acquittal of the admiral is taken for granted by his friends. The court-martial, however, will have the good effect of beginning that inquiry which every man of sense in the kingdom is of opinion should take

* Sir George Rodney ascribes the discreditable conduct of many of his captains in the action with M'Guichen on the 17th of April, to the party feelings which had infested the navy. Sir George writes, "If all were to be tried who misbehaved on that day, I know not where judges could be found, and I do not choose delinquents should try delinquents; but I sent or will send home most of those captains who were with me on that day. I find the world cry out aloud, that I should have praised those who did their duty on that day. Show me a man—my own captain and a few others excepted—that deserves praise; and then let them blame me if they can. I would fain think it was ignorance: I am unwilling to think worse. Part I am sure was villany, with the hope of upsetting the administration."

place, that the public may know by what fatality it happened, that an inferior French fleet were not completely destroyed off Ushant, but left so far masters of the sea, as to steer deliberately to Brest, without being pursued by our fleet. The engagement off Ushant was finished at three o'clock. From three to eight in the evening, what were the English about? This question has been frequently asked, but it never has been satisfactorily answered. The court-martial will clear up that and other mysteries.

"In the House of Lords' debate on the trial of Admiral Keppel, his grace the Duke of Bolton proposed, 'that in case of a want of flag officers, the court-martial might be composed of a parcel of young captains who were incapable of judging.' Young, as many of the captains may be, for the honour of the service, it is to be hoped, that there is not one of them so incapable as his Grace of Bolton. He has fitted up his house at Portsmouth in a most elegant style, for the reception of the Lords Rockingham, Bristol, Shelburne, and others of the nobility. Pray what have the nobility to do with the trial of Admiral Keppel? Is it because he is uncle to the Duke of Bedford, a near relation of Lord Gower, and connected by the accident of blood with other nobles, that, therefore, the nobility are to make a common cause, and by their overruling influence dispose the event of the day. Let the nation have justice. It is very indecent of the Duke of Bolton to make a nobility job of the affair. Sir Hugh Palliser is an Irish commoner, has only the birth of a gentleman to plead for him, and not one of the nobility will open a house in his favour.

"If the Duke of Bolton was really so rash as to present a petition against the trial of Admiral Keppel, it only shows how a brave officer may be injured by a brainless peer. Happily for the nation, when Sir Hugh Palliser is to be tried,—being a gentleman by birth and noble only by his actions—he will not have a single duke to petition the throne to put a stop to the proceedings."

Admiral Keppel was attended during his trial, which extended over a period of five weeks, by his partisans, those leaders of the opposition in both houses of parliament, who had taken so prominent a part in resisting the inquiry; and the unseemly interruptions they were permitted to indulge in—their clapping and hissing as the questions asked, and the answers of witnesses accorded with their sentiments of partiality to the prisoner, or their dislike to the prosecutor, indicated, that the members of the court even were imbued with prejudices, inconsistent with the sacred character of their judicial functions, and the unbiased feelings which should have guided their deliberations. The existence of those prejudices became more fully developed in the course of the investigation, by a series of singular and unprecedented decisions, setting the principles of common sense and of common justice at open defiance, and branding their whole proceedings with the distinctive marks of unfairness to the vice-admiral.

An eye-witness of the proceedings writes as follows:

"Portsmouth, January 9, 1779.

"The Dukes of Cumberland, Bolton, Richmond, and other nobles; Counsellors, Dunning, Lee, and Erskine;

Orators, Fox, Burke, and Sheridan, and a legion of short-hand writers surround the admiral, whilst Sir Hugh Palliser has not a soul with him but his two agents, whom he seldom consults, seeming to stand only on the justice of his cause.

"There cannot be two more opposite instances in nature, than the behaviour of the two admirals in the presence of the court-martial. The prisoner appears to be carried tumultuously away with every tide of casual passion;—at one moment you see him swoln with anger, and his eyes darting fire at the suggestions of his accuser; in another instant, he appears in a gloomy seriousness, frequently affecting to smile contempt, and often bursting into coarse laughs of ridicule, casting his eyes upwards with vulgar gesticulations, and discovering, at almost every question, the most unbridled emotions of the mind. On the other hand, his accuser stands in the portentous conflict, unmoved at every indecency of the adverse side, with a serenity of countenance unruffled by any circumstance that can occur;—he proceeds in the examination of the witnesses, unreservedly collected, with all that dignity which ever gleams from a firm and modest fortitude, strongly exhibiting that bold and honest picture which Horace so beautifully describes in his

'Justum ac tenacem propositi virum, &c.'"

The first attempt of the court, with the probable object of sheltering their sentence under the opinions extracted from witnesses, was to convert mere opinion into matter of fact, and to wring a declaration from the different captains examined, whether Admiral Keppel "had conducted himself unbecoming a flag officer on

the 27th and 28th of July," and "whether on either of those days he had tarnished the honour of the British flag."

The illegality of this attempt, produced a remonstrance from the prosecutor which was handed to the court in writing, and was strenuously objected to by most of the officers to whom the questions were put.

Captain Digby, of the Ramilies, replied, "I have been giving evidence upon facts, and the answering that question would be judging upon them, which I have no right to do."

Captain Hood answered, "I have given my evidence, as far as it goes, with integrity. The court must therefore decide upon the questions asked."

Admiral Montague, addressing Sir Richard Bickerton, Bart., Captain of the Terrible, said, "You are an old officer; you have been in more than one action; you have served under a brave man, Admiral Boscawen. The admiral now trying is charged with negligently performing the duty imposed upon him. Inform the court if you know of any instance on the 27th of July, in which he was guilty, or did not perform the duty imposed upon him?"

Sir Richard Bickerton answered—"Ever since I have had the honour of knowing and serving under Admiral Keppel, I have had the greatest esteem for him, and the highest opinion of him as an officer, and I have so still; but as I have been giving my evidence upon facts, I think my answering that question would be judging of them, which I think I have no right to do."

Lord Mulgrave, Captain of the Courageux, on being

similarly questioned by the court, conveyed his dissent, in language conferring infinite honour on himself and those who preceded him in the same laudable course. "I have taken an oath," said his lordship, "to answer the truth of all questions. I look upon opinion to be a matter liable to error. The term negligence implies a crime, and I must be equal to the duty of an admiral commanding-in-chief before I can decide upon oath whether he did his duty negligently or not. I have answered to facts, and if I am to be urged more, it is not the admiral accused but it is me you are trying. I hope the court will not press upon me to give my opinion. The court are to judge of the facts before them, and I should think myself in a most disagreeable situation as a witness, if I am to be called upon to answer upon my oath to that which is matter of opinion; and perhaps after giving it to-day, at another time I may alter my opinion, and think it not a just one. The facts I can speak to as matter of knowledge; as to opinion I cannot; a matter of fact which may in one case be meritorious, may in another be criminal; and I am called upon to decide, whether the acts done by the admiral that day were meritorious or criminal. I have answered to every fact, to every motion of the fleet that I observed, to every signal of the fleet that I saw; I am ready and willing cheerfully to answer every question of fact; but to answer whether I am of opinion that the admiral was guilty of negligently performing his duty, or not, does not become me as a witness. It has happened to me during the course of the time I have had the honour to serve under that admiral, to disapprove, in my own mind, of particular steps, and

upon further reflection and consideration, to approve of them, and to feel that I was wrong: after that, will the court at this moment call upon me to give an opinion that perhaps I may alter hereafter."*

The forcible manner in which Lord Mulgrave conveyed those just and honourable sentiments, instead of bringing conviction to the court of the glaring impropriety of their effort to convert witnesses into judges, only caused them to retire, and direct the judge-advocate to reprimand his lordship for "his behaviour to them."

At the commencement of the trial, Admiral Keppel requested that the log-books of the several masters might be ordered to be delivered into court, and lie on the table for the inspection of the members.

It appeared upon referring to the log-books of the Formidable and the Robuste, that three leaves had been cut out of the Formidable's, and fresh leaves tacked in, and that some additions and amendments, relating to the proceedings of the fleet on the 27th and 28th of July, had been made to the Robuste's.

When the court adverted to the insertion of fresh leaves in the log-book of the Formidable, Sir Hugh Palliser observed, "I was totally ignorant of the circumstances of leaves having been cut out till it was taken notice of by the court, nor could any person be more astonished at it than myself; it is my anxious wish to have this matter fully investigated, and for that purpose I have desired the master of the Formidable, and the mate who made the entries in the log-book, to at-

* "Minutes of Admiral Keppel's Court-martial."

tend this morning, and in order that when giving their evidence on that point, they may be put to the severest test; I desire that they may be examined by court and Admiral Keppel, without any previous questions from me.

The master of the Formidable, on being sworn, stated that one of the mates, Mr. Winkworth, tore out the original leaves, and told him he had done so, as he had ruled one of the leaves for two days' work, and it would not contain the two. In the other he omitted putting the minutes of the signals, from the notes of the midshipman appointed to take them, who had not put down the hours, and which omission he told me was his reason for tearing them out. The other, as I said before, he spilled ink upon, and tore that out." The master further stated, "that the log was approved by the vice-admiral; but he believed that neither Sir Hugh nor Captain Bazeley were aware of the leaves being cut out."*

The amendments made in the Robuste's log-book were seized upon by Keppel and the court as a theme for animadversion on the conduct of Captain Hood, at whose instance those amendments were made. But it is singular that any thing so absurd should be attempted as attributing dishonourable motives to the necessary duty of correcting the errors, and supplying the omissions which would be likely to accrue, in the hasty entry of events of such moment as those which the 27th and 28th of July gave birth to. It has always been the custom afloat to revise the entries re-

* "Minutes of Admiral Keppel's Court-martial."

lating to any important occurrence, if a more improved and faithful narrative can thereby be produced, without which revisions log-books would generally be found the most uncertain and useless of records; and when witnesses were at hand to confirm the accuracy of the written particulars, if it was thought expedient to call them for that purpose, it is difficult to ascertain upon what just principle an act so obviously requisite as the correction of his log-book, should have been magnified by Keppel and the court, into a case of suspicion, or twisted into a charge against the truth and honour of an officer bearing the distinguished reputation of Captain Hood*

In all judicial inquiries into maritime proceedings of a civil nature, an amplified account of those proceedings is furnished, superseding the concise narrative of the log-book, and frequently detailing matter not mentioned therein; and this regulation of the law is based, of course, upon the reasonable conclusion, that the statements in which several witnesses have concurred, are more satisfactory evidence than the hurried description of one.

The Hon. Thomas Lumley, a lieutenant of the Robuste, produced his own log-book, which was copied

* Afterwards Lord Bridport. Was made a rear-admiral in 1780. In 1793 was promoted to the rank of vice-admiral and appointed to the command of the Channel fleet under Lord Howe, and bore a prominent part in the action on the 1st of June, 1794, when he had twenty men killed and seventy wounded on board his ship, and on account of his conduct on this occasion, was created Baron Bridport, and received a gold chain and medal from the king. In June, 1795, fought a gallant action with twelve ships of the enemy's line and eleven frigates, and captured three of their seventy-fours. In 1796, succeeded Lord Howe in commanding the Channel fleet.

from that of the ship previously to any alteration having been made.

The log-books were then compared, and the difference between the original imperfect and erroneous account of the signals and manœuvres, and the more enlarged and accurate descriptions of the revised edition, appeared as under.

"REVISED LOG.

"A signal for us, and several other ships of the Vice-admiral of the Blue's squadron to give chase to windward.

"Body of the French fleet S. half W. At half-past ten the headmost ships were engaged.

"Between six and seven o'clock, perceived on board the admiral, ours and several other ships' signals to bear down into the line, which was repeated by the Formidable. In the evening, having stopped the shot-holes, took our station in the line, and continued in it the whole night, with as much exactness as a disabled ship could do, with the admiral making much sail.

"At daylight, saw three sail of the enemy very near us. The admiral made the signal to chase to the S. E."

"COPY OF THE ORIGINAL LOG.

"A signal for the Vice-admiral of the Blue's squadron to give chase to windward.

"Body of the French fleet S. by W. five or six miles.

"At six tacked, bore down, and resumed our station in the line."

As the remarks in the original log were as conspicuous for their inaccuracy as their brevity, and as the alterations and additions contained a faithful representation of events; the attempt to make them the basis of an imputation upon the credit of Captain Hood, and thus invalidate his evidence, assumes a character

little creditable either to the court or to the admiral on his trial.

Sir Hugh Palliser, after condemning Keppel's "attack on the character of Captain Hood," pledged himself to substantiate the accuracy of the Robuste's log, and requested permission to be allowed to call witnesses "for the purpose of having that matter more clearly elucidated;" and in order "to resist and confute the cruel, the invidious attempt that had been made." But as the correctness of the alterations made by Captain Hood constituted their crime, the prosecutor's request it is needless to state, was not granted.

The gallant commander's own lucid address to the court, places this matter in its just position.

"Before I proceed," says Captain Hood, "to give evidence, I must beg the indulgence of the court for leave to explain the nature, sum, and substance of the alterations in the log-book of the Robuste. Because I flatter myself, that not only this respectable court, but the world at large, will be well satisfied with the innocence of them, and I trust they cannot be construed in any shape to effect one side or the other. For my own part I never considered a ship's log-book to be material evidence, much less did I ever expect that any words that should be put into any log-book, should be considered as a charge. God forbid that such a thing should be conceived or adopted! The winds, the courses, the distances of the Robuste's log-book stand unaltered. The corrections in it respect the narrative part only, and when I found my ship's log-book likely to be produced at a court-martial, perhaps on myself, and not knowing but that I should appear as a prisoner

instead of a witness. I judged proper to revise and correct it, for the credit of the ship, and for the sake of all her officers.

"This was not done, sir, in private, but was known to every officer in the ship. It was done to set forth a fair and faithful representation of the transactions on the 27th of July.

"Sir, I stand here an attacked man. From the 11th of August to the present hour, my honour has been wounded. In papers of that date I was put under an arrest for disobedience of orders. In other papers I was broke, and letters have been circulated to the greatest characters in the kingdom, charging the rear-division with the loss of that day. These words are from information I had received from one of the first men in the kingdom, 'that had the rear-division done their duty half as well as the van and centre, a complete victory would have been obtained.' Since which there have been many anonymous publications, which I very much despise. But, sir, I was alarmed greatly when in a public assembly the whole of that division seemed to be aimed at. It became incumbent on me I thought to revise my log-book that it might be a record for the benefit of my officers whenever I became to be put upon my trial. If I have erred I have erred innocently. The master of the Robuste has refused to take the oath that was administered to him, I applaud him for it. It was acting like an honest man, having a conscientious regard for the truth. Whenever he gives his evidence here, if he is admitted to give it, I am persuaded it will have full weight. He offered, I am

informed, to swear at the same time to the truth of the log-book.

" The court will give me leave to make one observation on the credibility of log-books: which in the opinion of the law is the most credible? The man who swears that the log-book has not been altered from such a period to such a period; or, the man who acknowledges the alterations and swears to the truth of the log-book? I am no lawyer, but common sense tells me that one is full as veracious evidence as the other.

" I do not think, God knows! that log-books which are kept in the manner they generally are, ought to be implicitly taken as evidence, they only seem to assist the memory. I shall beg leave to call the master of Robuste to answer such questions as the court shall think proper to put to him, if they shall judge it necessary in order to explain the business, and I trust that when the whole is investigated that I shall not be thought to have done any thing to the prejudice of the honourable admiral, or to have acted in the smallest degree a dishonourable part. I shall also beg that the lieutenants, if the court approve of it, may be called to produce their logs and journals taken from the original stating of the matter. The court will then be in full possession of the alterations, and to their judgment and to the judgment of the public without doors, I submit my honour.

" Sir, I must beg leave to say one thing more. It strikes me very forcibly as an officer in the king's service, that, if a captain of one of the king's ships has

not the power of correcting and revising his log-book, I really think he is in a most deplorable situation; I think as far as I can understand my instructions, that I am authorised to do so, nay more, that I am called upon to do so. The master is also called upon to do so by his instructions. The court must know that he is to correct his day's work. Why, it is done perpetually! there is no law against it; there can be no criminality in the thing, unless the words convey criminality. Now, sir, I declare that if I had not the power of revising and correcting my log-book whenever it shall be found erroneous, as my honour, my reputation, my existence, may depend upon it, if that power is taken away, I declare here solemnly, that I will never again set my foot on board a king's ship."*

Although the log-books of the Formidable and Robuste only, were singled out as objects of suspicion, it afterwards appeared that alterations had been more generally made in those throughout the fleet than was at first imagined. The Ramilies' log had two leaves cut out for the same reason as those in the Formidable, and the Shrewsbury, had two days' work crossed out, and fresh entries made; but that of the Victory, the admiral's own ship, was found to contain the only palpable undisguised falsehood in relating the transactions of the 27th of July. The Victory's log, besides other inaccuracies, represented her to have lain to four hours after the engagement, when, in point of fact, she was sailing off the wind

* Minutes of Admiral Keppel's Court-martial, published by order of the Admiralty.

under double reefed topsails and foresails,* and going so fast through the water, that the outsailed all the disabled ships of the Blue division, and left the Vengeance, one of the ships of the admiral's own division, three miles astern before five o'clock in the evening.†

The following evidence was given by the master of the Victory, at the court-martial on the Vice-admiral of the Blue.

Q. "When was the addition made to the log-book in noting the time of her wearing?"

A. "Before Mr. Keppel's court-martial began."

Q. "How long before that?"

A. "After I heard Mr. Keppel was to be tried."

Q. "Did the Victory lay to any part of the afternoon of the 27th of July?"

A. "I do not recollect that she did, but I marked her courses as laying to from one to five o'clock, not being able to give a true account of her steerage."

Q. "Does it appear by your log-book that the Victory was laying to from one to five o'clock?"

A. "It appears so by the log-book."

Q. "After the Victory wore to the southward, what sail did she carry, and how many knots did she go while she edged away from the wind?"

A. "She was under double reefed topsails and foresail, and went two knots an hour. She did not haul her wind till about a quarter after seven."‡

* Master of the Victory's evidence. Court-martial on Sir Hugh Palliser.

† Evidence of Sir William Burnaby, Bart.—*ibid.*

‡ Minutes of Sir Hugh Palliser's court-martial, published by order of the Admiralty, p. 44. It is more likely that the Victory going large in a

The latitude and longitude of the Victory on the 28th of July, as inserted in her log, differed so materially from that shown by the other log-books of the fleet, that Sir Hugh Palliser, without being at all aware of glaring incorrectness afterwards developed, writes as follows.

Sir Hugh Palliser to the Earl of Sandwich.

"Portsmouth, January 16, 1779.

"My Lord,

"I beg to know the time when Admiral Keppel's journal was delivered into the office. I think I can show a most contemptible trick in returning an erroneous account of the distance the fleet was from Ushant, according to the ships, on the 27th and 28th of July last, to favour the pretence that it would have been dangerous to have pursued the French till we had seen them into port. If it comes out as I expect, it is a subterfuge that must prove disgraceful.

"Captain Hood has most manfully resisted the most cruel attack that can be imagined.

"I have the honour to be, my lord,

"Your lordship's most obedient servant.

"HUGH PALLISER."

The following private letters were addressed to Lord Sandwich in the course of Admiral Keppel's trial.

strong breeze under double reefed topsails, went five knots an hour, instead of two, as conjectured by the master, for he did not heave the log.

To Lord Sandwich.

"Portsmouth, January 7, 1779.

"My Lord,

"Your lordship's attendance, I apprehend, will depend entirely upon Admiral Keppel. When he summons you I shall then take the liberty to desire you will produce his letters to your lordship, which your lordship will please to bring with you, and also my letters to you on my arrival at Portsmouth, in which I mention my intention to bring the whole matter to public view. I conclude Admiral Keppel cannot summon your lordship before I have gone through all the evidence for the crown, which can't be done in a very short time.

"I am, my lord,
"Your lordship's most obedient,
"And very humble servant,
"HUGH PALLISER."

To the Same.

"Portsmouth, January 19, 1779.

"My Lord,

"It is not possible, my lord, to describe the violence of the party prejudice evinced here as the inquiry advances, but the most astonishing thing is, the addition to the message sent by the Fox frigate, which is vouched for by Admiral Campbell, and the captain and lieutenant of the Fox, though never heard by any one in the Formidable. Besides the absurdity of it if true, considering the circumstances and the time when sent, as well as the pains taken to conceal the true

time when it was sent, altogether plainly shows a conspiracy to destroy Sir Hugh Palliser. The rancour which Campbell and four or five of the captains have shown is wonderful. Captain Jervis, in order to turn Lord Mulgrave's contest with the court into contempt or ridicule, desired the question might be put to him, saying he thought himself bound by his oath to answer it.

"God knows to what extent they will carry things against Sir Hugh. The court is daily filled with the opposition noblemen and members of parliament, ladies, and townspeople, who, upon every occasion of any thing being said against the prosecutor or in behalf of the prisoner, express their approbation by clapping. Mr. Keppel's letters to your lordship being refused by the court, has been a great disadvantage to Sir Hugh Palliser towards proving the alleged intention of re-attacking the enemy in the evening to be a mere pretence."

Sir Hugh Palliser to the Earl of Sandwich.

"Portsmouth, January 25, 1779.

"My Lord,

"The business here goes on very heavily and disagreeably. The consequence of permitting a sea court-martial to be held on shore is felt very severely. Independently of the ill effect of having the court filled with the great leaders of a powerful party, every good purpose intended by the regulations for courts-martial, is defeated. It is proposed to examine very few more evidences, as scarcely any one is to be found who *will*

know any thing relating to the *points* in question. It is proposed—if you don't desire to be excused appearing —to finish with your evidence. As soon as ever you can make it convenient, by letting me know the night before you will be here—if you come into town between ten and one o'clock—you may be called in immediately. An apology will be made to you for desiring you to produce private letters, but as the other party have set the example, I shall hope you will not object.

"I am advised the letters will be very useful. I wish for your answer as soon as possible, and that you will let me know the night before you come. If I don't call on you now, I cannot do it after closing my evidence, nor call upon you for any thing when you appear at the summons of the other party.

"I am, my lord,
"Your lordship's most obedient,
"And most humble servant,
"HUGH PALLISER."

The Same to the Same.

"Portsmouth, February 5, 1779.

"My Lord,

"I am fully sensible of your lordship's friendship, and have long been of the same opinion as your lordship, that a court-martial on me is necessary. As to its being ordered by the Admiralty, grounded upon what has appeared on Admiral Keppel's trial, I have reasons for wishing to avoid it, as that would be calling

upon those to appear who have already given evidence against me. I think it would be more proper if it were ordered at my own request. The time is very disadvantageous for me, as the stream of public prejudice sets so strong against me. A court-martial being ordered to assemble at some distance of time, will give me a chance for those prejudices subsiding a little, which have been produced by the violence of party rancour.

"I think it probable Admiral Keppel will close his evidence to morrow; whether the court will allow me to reply to his defence and observe upon the evidence, I know not, but it will be the most extravagant partiality if they do not, as in that case I shall be prevented stating the strongest things against Mr. Keppel in their proper point of view, and it will amount to a condemnation of me. In short such is the present disposition of the people, that I consider my life in danger, and tremble for the consequences of the party poison which the officers of the fleet are infected with. The moment the court pronounces sentence, I will despatch a letter demanding a court-martial.

"I have the honour to be, my lord,
"Your lordship's most obedient
"And most humble servant,
"HUGH PALLISER."

The Same to the Same.

"Portsmouth, February, 8, 1779.

"My Lord,

"Admiral Keppel has closed his evidence. I immediately addressed the court to be permitted to reply to

Admiral Keppel's defence and observe on the evidence, as was granted to the prosecutor upon the trial of Admiral Knowles, but this the court refused; indeed from the beginning, every thing has been heard which was offered by the accused at any time, and almost every thing that I have offered has been refused. Perceiving myself abandoned and sacrificed to party rage, I am at a loss to know what steps to take, nor do I know with whom to communicate or advise; the only hope I have is, that his Majesty has not been prejudiced against me by the partial proceedings at this place, and that his friends will not allow me to be condemned without a hearing. The reply I should have made I have already prepared, and I think I ought to send it to the Admiralty as the court have refused it, but this I shall defer for the present. I think it probable the court will give their judgment very soon. When that is given I shall set out the next moment for town, and have the honour to pay my respects to your lordship.

"I am, my lord,
"Your lordship's most obedient
"And very humble servant,
"HUGH PALLISER.

"P. S. Captain Peyton has just been with me. I find that during the trial he struck his name off the list of the captains' mess, assigning as a reason, that he could not concur in their plans of party animosity, and that the other day, he put an active stop to a scheme for objecting to sit at a court-martial with Captain Hood.

"The intended memorial has not been offered to him to sign, his sentiments being so well known."

The memorial alluded to in this postscript, was one of the many infamous measures adopted to ruin Sir Hugh Palliser. It was addressed to the king, praying him to dismiss the vice-admiral from the honourable and profitable offices he held, and was rendered more execrable from the circumstances of those most active in the matter, being fully aware that they would shortly be called as men of honour, to give impartial testimony as to the conduct of the officer they had so criminally prejudged in the unjustifiable address intended for presentation to their sovereign. To the infinite credit of the service however, notwithstanding the baleful feelings of party rancour with which it had lately been infused, a sufficient number of signatures could not be obtained, to afford a colourable pretence for laying the memorial before his Majesty.

The gallant Sir Samuel Hood (afterward Lord Hood*) writes as follows, in reference to this transaction.

* Lord Hood entered the navy in 1740. In 1759, commanded the Antelope of fifty guns, and captured the Bellina, a French ship of superior force, after a severe action which was continued for four hours. Was presented by Lord Anson to George II., and promoted for his bravery on this occasion. Served with Rodney at the bombardment of Havre-de-Grace, and with Admiral Saunders in the Mediterranean. Was appointed commissioner of Portsmouth Dockyard, in 1778, and also created a baronet. In 1780, was raised to the rank of rear-admiral. In 1782, had an engagement with a French squadron in Basse Terre roads, in which several of the enemy's ships were disabled, and upwards of 1000 of their men killed or wounded. Commanded the van division of the fleet in Rodney's victory of the 12th of August. Afterwards captured two line-of-battle ships and two frigates in the Mona passage, and for his brilliant conduct was created

Sir Samuel Hood to the Earl of Sandwich.

"Portsmouth Dockyard,
"February 10, 1779.

"My Lord,

"A memorial to the king has been handed about here to be signed by the captains, praying his Majesty to remove Sir Hugh Palliser from all his employments. It was carried by Captain Jervis last night to Captain Robinson who begged to be excused signing it, as did Captain Digby also. Captain Robinson does not know all the names that had signed, but on throwing his eye over the memorial, as Captain Jervis was reading it, he saw the names of Sir Robert Harland and Admiral Campbell; and the captains, Sir John Ross, Edwards, Walsingham, Maitland, Clements, Carter, Allen, Laforey, Levison Gower, and Marshall. Captain Jervis said eighteen had signed it, and that six or eight more had promised. What a glaring proof is this, my lord, of the malevolence and rancour of party! and what presumption to dictate to his Majesty whom he shall, or shall not employ. Let Sir Hugh's fate be what it may, the king never had a more brave or able officer in his service, or a more zealous and faithful servant.

"I have the honour to be, with great deference and esteem,

"My Lord,
"Your lordship's most obedient,
"And much obliged servant,
"SAMUEL HOOD."*

Baron Hood. Commanded the Mediterranean fleet in 1793. Succeeded Sir Hugh Palliser as governor of Greenwich Hospital, in 1796, and died an Admiral of the Red in 1816.

* Sandwich's MSS

During his trial Keppel had the constant professional assistance of Dunning, Lee, and Erskine, and his defence which he read to the court on the 30th of January, though the composition of the latter celebrated individual, will be found to exhibit the many contradictions inseparable from the endeavour to reconcile the conduct of the admiral, questionable in so many particulars, with the lofty duties of a man, to whom the great fleet of England was entrusted at a period of imminent peril to the kingdom, when a decisive blow would have paralyzed the naval force of France, destroyed the confidence of Spain in the power and success of her ally, restored peace in all human probability to the civilised world, and saved his country the terror of a foreign invasion, excited shortly after the ill starred events of his hapless command, when the combined fleets of our old continental foes, were enabled to parade without obstruction in view of the alarmed inhabitants of the shores of the English channel.

The fact, that from three o'clock in the afternoon of the 27th of July, Keppel was standing away from the French, and they were pursuing—to be squared with the notions Britons were wont to entertain of the duty of their admirals—demanded a greater degree of ingenuity than a lawyer of even Erskine's eminence and ability could bring to such a task; and, notwithstanding the ultimate judgment of the court, a reason which can be brought home to the understanding and conviction of seamen, remains still to be assigned by those who upon that judgment rest Keppel's reputation as an officer in chief command, how with honour to himself and his fleet, an enemy's squadron, inferior in number and in force, which he told the world he had beaten

the day before could be permitted to depart unmolested the next morning, when three of their ships were almost within gunshot of his division.

"I might," says the admiral, in his elaborate defence, "have pursued a fruitless and hazardous chace of some few ships, if I had had my mind filled with notions unworthy of my station. I might easily have paraded my shattered fleet off the harbour of Brest:" and then losing sight of the acknowledged facility of performing so desirable and essential a service—when the great convoys of East and West Indiamen, and nearly the whole foreign trade, were hourly expected up the Channel—he maintains with equal earnestness, "that the pursuit would have been wantonly exposing the British fleet under his command;" and endeavoured to establish by his witnesses, that it would have been imminently dangerous to have attempted even that parade, represented in his previous declaration as a matter so easy of accomplishment.

The light which the prosecutor would have thrown upon those jarring statements was altogether shut out, as it was ruled by the court, at the instance of the prisoner, that Sir Hugh Palliser should not be allowed to address them on the merits of the evidence when concluded, and that the witnesses for the defence should not be questioned in their cross-examination, upon any circumstance not already adverted to by the admiral in his direct interrogations; those interrogations therefore being studiously limited, in order to carry out the design of smothering testimony that might be adverse on the many dubious points of his conduct—this means of suppressing truth was so far successful. Strange and

paradoxical also as it may seem, the admiral was enabled to prove to the satisfaction of his acute, enlightened judges, that the readiest and most certain mode of getting the sternmost disabled ships of his fleet into their stations in the line, was not to bring to and wait for them, but to outsail them, and that what was right and absolutely necessary in the afternoon, was wrong and not at all necessary in the morning;—that it was the duty of a skilful commander to suffer a part of his fleet in disorder to the leeward and jammed upon a wind, to bring an enemy to battle ranged in admirable order to windward, and that it would have been unofficer-like, and risking the safety of his whole remaining fleet, to renew the engagement afterwards, when the enemy was one sail less, and "so beaten," unless supported by the crippled Formidable, struggling on to overtake him under all the canvass her wounded masts and rigging would permit her to carry.

On the 11th of February, the members of the court met to pronounce their sentence; when, honourably acquitting Admiral Keppel, they announced as part of that sentence, "that the charges brought against him by the Vice-admiral of the Blue were malicious and ill-founded."

Men assembled for the purpose of a judicial inquiry into the conduct of one officer, but diverging from their direct and solemn duty to condemn another officer not upon his trial,—whose reasons for the construction put by him on the acts of the commander-in-chief they remained wilfully ignorant of, and whose mouth was gagged when he besought them to listen to his explanation of the matters upon which the different charges

were grounded,—though repugnant to that clear, universal principle of natural justice, which everywhere declares, where justice has a voice, that the accused possesses the unalienable right of a fair trial, and should have the amplest opportunity of defending himself, before he can be deemed guilty—found their flagrant condemnation of unknown motives, defended even in a British parliament, by some of the loudest ranters on the subject of men's rights and liberties; and Fox, Burke, and others of their party, did not blush to call upon the representatives of Englishmen to adopt that part of the sentence upon Admiral Keppel, which referred to his accuser, as a standard by which the latter was to be judged, and to force it upon their sovereign as a judgment by which his Majesty should be guided, in opposition to the deliberate opinion of the tribunal selected exclusively for the trial of the man, against whom their unprincipled but unavailing rancour was unceasingly levelled, from the hour the nation demanded, and he proffered to furnish, an elucidation of the mysterious encounter with the inferior fleet of France, and the subsequent return of the British squadron to port, with the vague information, "that the enemy had been so beaten in the day, that they took advantage of the night to get off," but without an attempt being made at ascertaining whither they had steered after this imaginary beating.

But in the minds of men more liberal and just than those renowned declaimers on liberality and justice,—the charge of malice on this occasion must recoil upon the members forming that court-martial, who stood forward the self-constituted judges of motives which

they obstinately refused either to investigate or to hear explained to them.

The acquittal of Keppel, coupled with the imputation cast upon Palliser, of having exhibited a malicious ill-founded charge, was followed by a series of alarming outrages against the different members of government, as well as the vice-admiral and his friends. The mansions of Lord North, Lord Sandwich, Lord Lisburne, Lord Bute, and Lord Mulgrave, were attacked, as also Captain Hood's in Harley-street. Sir Hugh Palliser's house in Pall-Mall was entered by the lawless rabble, the furniture set on fire and the contents otherwise destroyed. The Admiralty gates were pulled down, Sir Hugh's residence in the Admiralty assailed, and but for the timely arrival of the guard to his rescue, he must have fallen into the hands of the besotted, infuriated mob. Three nights in succession London was illuminated at the command of a body of ferocious rioters, whom the military could scarcely quell; and so completely had what was then designated the "Keppel frenzy" taken hold of the nation, that in the most distant districts bonfires were kindled in sympathy with the blaze of the metropolis.

At this moment of general infatuation, the vicissitude of human opinion, and the strange uncertain basis of popularity must have rushed upon the mind of Keppel—reflection must have carried him back to the days of Byng, and the sanguinary demand of an ignorant populace for the infliction of summary punishment on that devoted officer; and notwithstanding the intense, though unmeaning adulation poured into his ear from so many quarters, his own intimate knowledge of events

in which he bore so prominent a part, as a judge in one case, and as a prisoner in the other, must have mournfully revealed,—that he sentenced Byng to suffer death, and that the ill-fated admiral was executed for military conduct of a less questionable character than that for which he himself in the singular delusion of the times, had been exalted into an idol.

But where, during this national intoxication, was the man whose bearing in the action of the 27th of July was the boast and admiration of the fleet, and whose example of turning to renew the battle, without a moment's thought of loss of life or damage, if followed and sustained on that disgraceful day, would have accounted in some degree for those manifestations of popular delirium on the merits of the admiral? He had retired under the shelter of a disguise to some obscure quarter, to avoid being torn to pieces, and in order to lull the ferocity of a maddened multitude made a sacrifice to public tranquillity by the surrender of all the offices of honour and profit conferred upon him by his sovereign, for more than forty years of distinguished services in defence of his country.

Whilst in concealment and disguise, the following letter was penned.

Sir Hugh Palliser to the Earl of Sandwich.

"London, February, 18, 1779.

" My Lord,

" After duly revolving in my mind the present state of things, and the confusion into which his Majesty's service is thrown by the present violent measures and pro-

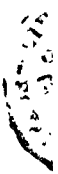
ceedings of a deluded mob against me, and having long perceived the envy and jealousy drawn upon me in consequence of the favours and honours which his Majesty from time to time has been pleased to bestow upon me, as rewards for long and faithful labours in the service of my country. I think it best in order to abate the rage and prejudice raised against me, and to favour the means for restoring tranquillity—humbly to beg your lordship will intercede with his Majesty to permit me to resign my commission of lieutenant-general-of-marines, and the governorship of Scarborough Castle. At the same time I must beg, through your lordship's favour, that his Majesty may be assured of the continuance of my loyalty, duty, and zeal to his Majesty to the last moment of my life, whatever may be my fate, and to whatever station I may be reduced.

"I have the honour to be with the greatest respect,

"Your lordship's most humble,

"And obedient servant,

"HUGH PALLISER."



CHAPTER XI.

COURT-MARTIAL ON PALLISER—THE DEFENCE—HONOURABLE ACQUITTAL.

Sir Hugh Palliser's Correspondence with the Admiralty—Court-martial on Palliser—Charge Exhibited—Evidence for the Prosecution, Admiral Keppel, Admiral Campbell, the Hon. Boyle Walsingham; Captain Faulkner, of the Victory, Captain Marshall, of the Arethusa, repeating Frigate, Hon. Thomas Windsor, of the Fox Frigate, the Captain and Master of Palliser's Ship, the Formidable—The Defence—Evidence for the Defence—Sentence—Honourable Acquittal.

1779.

THE following correspondence passed on the subject of the court-martial to be held on Sir Hugh Palliser.

Sir Hugh Palliser to Philip Stephens, Esq.

"Admiralty, February 10, 1779.

"Sir,

"As Admiral Keppel has hitherto declined bringing me to a court-martial, yet as he has in his defence attempted to charge me with neglect of duty in the afternoon of the 27th of July last. I desire you will move

my lords commissioners of the Admiralty to order an inquiry into my conduct on that day.

"I am, Sir,
"Your most obedient servant,
"HUGH PALLISER."

The Same to the Same.

"London, February 19, 1779.

"Sir,

"I received your letter of the 18th inst., signifying the intention of the lords commissioners of the Admiralty to order a court-martial to inquire into my conduct on the 27th of July last, and to be held on the 18th of next month. But I desire you will inform their lordships, that I am advised it will be impossible for me to be prepared for it so soon as the time appointed, and that I will give you the earliest notice possible, when I shall be ready. In the mean time, I request their lordships will be pleased to inform me, whether Admiral Keppel has signified his intention of bringing a charge against me or not.

"Sir,
"Your most obedient servant,
"HUGH PALLISER."

Philip Stephens, Esq., to Sir Hugh Palliser.

"Admiralty-office, Feb. 20, 1779.

"Sir,

"I have communicated to my lords commissioners of

the Admiralty, your letter of yesterday's date, informing them that you are advised it will be impossible for you to be prepared for your trial on the 18th of next month—the day appointed for holding the court-martial, but that you will give the earliest possible notice when you shall be ready; and requesting to be informed in the meantime whether Admiral Keppel has signified any intention of bringing a charge against you.

"In return, I am commanded by their lordships to acquaint you, that the day appointed for holding the court-martial will be deferred, and that Admiral Keppel has signified it is not his intention to exhibit any charge against you for disobedience of his orders on the 27th of July last, as you will more fully see by the enclosed copy of his letter of the 18th inst., to which I beg leave to refer you.

"I have the honour to be, Sir,

"Your most obedient servant,

"PHILIP STEPHENS."

Admiral Keppel to Philip Stephens, Esq.

"February 18, 1779.

"Sir,

"You will be pleased to inform their lordships, that the law has fixed a period, during which every man is at liberty to exhibit such charges as he may think proper. In this instance, if their lordships mean a charge from me against Sir Hugh Palliser, for his disobedience of my orders on the 27th of July last,—however clear it may have appeared by the evidence on my trial, I

readily state that I do not intend to exhibit any such charge against him.

"I am, Sir, &c.

"A KEPPEL."

Sir Hugh Palliser to the Earl of Sandwich.

"London, March 14, 1779.

"My Lord,

"I am not able at present to put on a shoe, or I would wait on your lordship to express my wish to be informed what steps will be taken in consequence of Mr. Lutterell's motion for the charge upon which I am to be tried. I am inclined to think it will be an advantage to me to have a specific charge made against me for disobedience of orders, as Admiral Keppel calls it in his letter. I hope to be duly informed of every step taken that concerns me, that I may be better prepared to know how to act for my defence.

"I hope your lordship does not forget my wish to be permitted to reside on board the Formidable during the trial, and, if possible, that the court-martial may be held on board of her.

"This indulgence I hope I may be granted in consideration of my particular circumstances, and of my infirmities; and the indulgence I trust will not be thought less reasonable, than that of passing an act of parliament to hold a court-martial on shore upon Admiral Keppel, on account of his ill state of health.

"I have the honour to be, with the greatest respect,

"My Lord,

"Your lordship's most obedient servant,

"HUGH PALLISER."

Sir Hugh Palliser to Philip Stephens, Esq.

"London, March 25, 1779.

"Sir,

"Being informed that the Arethusa* is taken or wrecked on the West of France, and Mr. William Cawsey, the mate of her, being a very material witness on my trial, I beg the favour of you to move the Honourable the Lords Commissioners of the Admiralty to make such application as may be proper to have him exchanged, or to obtain permission for him to come to England upon his parole as soon as possible.

"I am, Sir, &c.

"HUGH PALLISER."

A court-martial composed of the following members, assembled on board his Majesty's ship Sandwich, in Portsmouth harbour, on the 12th of April, 1779, for the trial of Vice-admiral Sir Hugh Palliser.

PRESIDENT.

George Darby, Esq., Vice-admiral of the Blue.

MEMBER.

Robert Digby, Esq., Rear-admiral of the Blue.

CAPTAINS.

Sir Chaloner Ogle,	Richard Kempenfelt,
Joseph Peyton,	William Bayne,
Mark Robinson,	Adam Duncan,
Samuel Granston Goodall,	James Granston,
Robert Linzee,	John Colpoys,
George Robinson Walters.	

* The Arethusa was the repeating frigate of the 27th of July, and Mr.

The prisoner was brought in by the deputy marshal, when the order for the trial, dated the 3d of April, 1779, and directed to George Darby, Esq., Vice-admiral of the Blue, and second officer in command of his Majesty's ships and vessels at Portsmouth and Spithead, was read as follows:

"Whereas, a court-martial was assembled on board his Majesty's ship Britannia in Portsmouth harbour, on the 7th of January, 1779, and held, by adjournment, at the house of the governor of his Majesty's garrison at Portsmouth every day afterwards, Sunday excepted, till the 11th of February following, inclusive, for the trial of the Honourable Admiral Augustus Keppel, upon a charge exhibited against him by Sir Hugh Palliser, Bart., Vice-admiral of the Blue squadron of his Majesty's fleet; and, whereas, it appears to us, from the minutes of the proceedings of the said court-martial, that several matters were given in evidence respecting the conduct and behaviour of the said Vice-admiral Sir Hugh Palliser, on the 27th and 28th of July last, which demand strict examination, and that he should be tried for the same. We send you herewith the original minutes of the proceedings of the court-martial abovementioned; and you are hereby required and directed to assemble a court-martial on the 12th day of this month, if the witnesses shall then be ready, or if not then ready, as soon afterwards as they shall be so—to inquire into the conduct and behaviour of the said Vice-admiral Sir Hugh Palliser, on the said 27th and

Cawsey was the officer who had taken the minutes of the signals made on board the Victory on that day.

28th of July last, and to try him for the same. Given under our hands the 3d day of April, 1779.

" By command of their lordships, SANDWICH,
F. BULLER,
LISBURNE,
" PHILIP STEPHENS. MULGRAVE."

When the members of the court and the judge-advocate were severally sworn. The prisoner addressed the court in the following words:—

" Mr. President.—There is a matter which I beg leave to mention to the court at the outset of the trial.

" With a view to increase the weight of the prejudices so industriously raised against me, it has been injuriously insinuated, that my intention in soliciting an inquiry into my own conduct, was to revive the consideration of Admiral Keppel's; but I most solemnly disclaim such an intention, and declare, that my sole object is my own vindication; therefore, in the course of the present trial, I am determined to avoid, as far as my own justification will allow, every thing which can have the least retrospect to the conduct of Admiral Keppel, or any other person except myself."

Admiral Keppel also addressed the court. The purport of his address was, that he did not appear before the court as a volunteer witness, that he would stand in a very painful situation, and desiring that his attendance might be dispensed with.

The court retired, and after a short time returned, when it was declared that the members found them-

selves under an indispensable necessity to take the evidence of Admiral Keppel.

It is not here intended to go at any length into the examinations of the different witnesses, but merely to advert, as concisely as possible, to that portion of the testimony both for the prosecution and the defence, which bears upon the recriminatory matter contained in the insinuation, that the Vice-admiral of the Blue and his division were not in their proper stations on the morning of the 27th; and that in the evening he and several of his ships remained to windward of the admiral, instead of bearing down into their stations in the line of battle, in obedience to the signal made by the admiral to that effect, and in conformity with a message by the Fox frigate to the vice-admiral, alleged to have been sent before six o'clock.

The Honourable Admiral Augustus Keppel was the first witness sworn. On being asked to relate to the court the proceedings of the squadron which was under his command on the 27th and 28th of July last, so far as they respected the conduct and behaviour of Vice-admiral Sir Hugh Palliser, the admiral alluded to the difficulty of giving a narrative upon oath of all the circumstances it would be necessary for him to refer to, assisted only by his memory, and begged the court to form questions from out of the minutes of his trial, which he would answer to the best of his memory and judgment.

The court retired, and in half an hour returned, when the president answered, "The court is fully aware of the difficulty you feel yourself under of recol-

lecting circumstances very minutely, relative to the conduct and behaviour of Sir Hugh Palliser, on the 27th and 28th of July, but still wish you to give such information as may be in your power. If you continue under the difficulty, the court will proceed to questions."

A. "That is certainly my wish."

Q. "Please inform the court what number of ships the division of Vice-admiral Sir Hugh Palliser consisted of on the morning of the 27th of July last, when in sight of the French fleet?"

A. "Ten."

Q. "What number of those ships did you order to chase the enemy?"

A. "To the best of my recollection six or seven, but in regard to that I should explain a little. We were in pursuit of the French fleet, a long pursuit fatigues every body, and I always took as much rest as I could get, when there was no immediate business for me. Admiral Campbell was my first captain, in whom I reposed the greatest confidence, from my knowledge of his ability, and that confidence was not thrown away at any time. On the morning of the 27th he came down and waked me, at what hour exactly it was I cannot recollect. The first question I asked him was, can you tell me any good news of the French fleet? He said they are farther from us to-day than they were yesterday, but I have directed several ships of the Vice-admiral of the Blue's division to chase to windward, to close with us, because I thought they were too far to leeward, and under such an easy sail, that we were losing the use of them."

Q. "Did it appear to you that Sir Hugh Palliser on the morning of the 27th, did all that was in his power to bring the Formidable, and those ships of his division then remaining with him, into action with the enemy?"

A. "It appeared to me that the Formidable carried, after the ships were gone from her, all the sail she possibly could to get into action. The rest of the other officers were doing the same. I had called the ships from the vice-admiral, so that at that time he could not be bringing his ships, for they had been directed to come to windward, consequently he was coming on himself to close where he could."

Q. "Did it appear to you that during the time of engaging the enemy, he behaved as became an officer of his rank and station in the fleet?"

A. "At the time I observed the Vice-admiral of the Blue—I cannot be very nice as to it—but at the times I observed him he seemed to be coming along the French ships just as well as any other ship that led along them, either before or after him; and in doing so he was doing his duty as a flag-officer. I do not mean to narrow the question."

At the conclusion of Admiral Keppel's examination, which occupied the court the first day, he was asked, "Do you know any thing further concerning the conduct and behaviour of Sir Hugh Palliser during the 27th and 28th of July, either before or after the action than you have already related, which may be necessary for the information of the crown." To this question the admiral said, "he could not give an answer,

and hoped he would be excused from pointing out any thing whatever."

The president observed, "The court are sitting to inquire into the conduct and behaviour of Sir Hugh Palliser on the 27th and 28th of July last, and must, therefore, desire the witness to inform them if any thing reprehensible in the conduct of Sir Hugh Palliser, which he has not already related, fell under his observation on those days, and that if desired by the witness, the Admiralty orders for assembling the court shall be read to him."

No definite, straightforward, or intelligible answer could be elicited from the admiral to this question, and the prisoner proceeded to interrogate him as follows:

Q. "Did not I visit you on board the Victory on the morning of the 29th of July, the second day after the engagement?"

A. "Yes; I do not exactly recollect whether it was the 29th, but it was a day or two after the engagement."

Q. "Did you then signify to me your disapprobation of any part of my conduct?"

A. "To that I must answer I did not; but it did not take from me the observations I had made."

Q. "Did you not then show me the draft of a letter to the Admiralty, giving an account of the engagement?"

A. "I did; but to the best of my recollection that was not the letter I sent. The letter I sent to the Admiralty was not the letter I showed you. I believe I tore it the next morning."

Q. "In that letter that you did show me, and in that which you sent, was not my name mentioned?"

A. "Yes."

Q. "Did we not converse upon different parts of that letter which you were pleased to show me, particularly that part which mentioned the French being beaten?"

A. "I think it most probable that we did converse, but upon the oath I have taken, I do not remember any one particular about it."

Q. "I will endeavour to assist the admiral's recollection by asking him, if he does not recollect that I assented to that part of the letter, saying, I had observed two of the French ships as I came along the line, make a slack fire, and that I believed the men did not stand to their quarters?"

A. "The vice-admiral does not help my recollection in this particular. I do not recollect any thing about it."

Q. "I will endeavour to bring to the admiral's recollection another circumstance. Does the admiral recollect my informing him at that time, that the two last ships in the enemy's rear which I engaged, appeared to be fresh ships, having no shot holes through their sails; and the admiral's reply to me upon that I hope he will repeat?"

A. "I am sure I would repeat it if I could. I believe it cannot be wondered at that all this matter should have escaped my recollection. I do not take any notes of conversations; my memory is sometimes very good, and it is very necessary it should be so."

Q. "Did that letter which you did show me contain approbation of my conduct?"

A. "That letter was torn, I believe; I did not like it upon reading it over. I had many things operating on my mind when I wrote to the Admiralty. I did approve of your conduct in that letter. It approved of your conduct, if you read it over, in passing the French ships; to that I have always said, I do not call back my approbation."

Q. "Please to speak as to the contents of the letter?"

A. "I have answered you as to the contents of the letter; it was torn, I believe, and I do not recollect what it contained; but the other letter, which I wrote afterwards, gave you some approbation—that letter all the world has read over and over; but I thought your passing the line, with the other captains, required my doing you justice."

Q. "Did the letter you showed me, or that you sent to the Admiralty, confine your approbation to passing the French line?"

A. "I shall speak no more to the letter you say I showed you; for I have got quit of it, and know nothing about it."

Q. "Whilst we were at Plymouth, did you signify to me any disapprobation of my conduct, or any part of it, during the 27th and 28th of July?"

A. "These are questions I must answer very oddly, or go into all my opinions about the vice-admiral, which does not seem to be contained in his question."

Q. "My question contains a desire of an answer to a fact."

A. "If I am to answer it, I will only say I am sorry

to answer it; for I will tell the court why I did not signify my disapprobation."

Q. "That is not my question. I beg your answer —whether you did or did not?"

A. "I really feel myself more tried now, as to uneasiness, than I felt myself some weeks ago. I had my disapprobation, but I did not express it to you."

Q. "Whilst we were at Plymouth, did you not communicate to me a letter from the secretary of the Admiralty, in which his Majesty's satisfaction at your account of my conduct was mentioned?"

A. "I put the letter into your hand."

Q. "Does it not particularly express the king's satisfaction at your account of the behaviour of Sir Robert Harland and myself by name?"

The letter was read, which is as follows:

Philip Stephens, Esq., to the Honourable Admiral Augustus Keppel.

"Admiralty Office, August 2, 1778.

"Sir,

"I received yesterday, by Captain Faulkner, and immediately communicated to my Lords Commissioners of the Admiralty, your letter of the 30th ultimo, giving an account of your proceedings in pursuit of the French fleet, from the 24th to the 27th, and of your engagement with it on that day. The Earl of Sandwich lost no time in laying your said letter before the king; and I have it in command from my lords to acquaint you that his Majesty was thereupon graciously pleased to express his fullest approbation of your conduct, and satisfaction in the account you have given of the

spirited behaviour of Vice-admirals Sir Robert Harland and Sir Hugh Palliser, and of the captains, officers, and men of the fleet."

"Their lordships command me to send you their congratulations upon the victory you have obtained; in addition to which I beg leave to offer mine, and have the honour to be,

"Sir,

"Your most obedient humble servant,

"PHILIP STEPHENS."

Admiral Campbell was the next witness called and examined at great length by the court.

Q. "Did it appear to you that Sir Hugh Palliser did all in his power to bring the Formidable into action?"

A. "I believe he did. After we tacked to stand towards the enemy, I believe he did every thing in his power."

Q. "Did it appear to you, that, during the engagement, he behaved as became an officer of his rank and station in the fleet?"

A. "I do believe he did. I saw very little of him in the action. I once looked for him, but did not see him; but I believe he did every thing he ought to have done."

Q. "Do you know of any thing further concerning the conduct and behaviour of Sir Hugh Palliser during the 27th and 28th of July, either before, in, or after the action, than you have already related, which may be necessary for the information of the court?"

A. "I said at first that I could not undertake to give a narrative of the Formidable's proceedings; the action happened a great many months ago. To all such questions as you may think fit to put to me, I will give the best information to the court that I can; but without a specific question being put, I do not choose to say any thing about his conduct on that day."

Q. "It is quite a simple question; it is not what you recollect, but only whether you do recollect any thing more?"

A. "I understand the question perfectly. The court has asked every question from beginning to end that I think is necessary. I do not recollect any thing at present."

Prisoner asked—

Q. "What do you understand to have been the order of sailing in force on the morning of the 27th of July?"

A. "We were, in the morning of the 27th of July, on the larboard tack; consequently, the Vice-admiral of the Blue and his division should have been upon the larboard quarter of the Victory, and the Vice-admiral of the Red and his division, upon the starboard quarter of the Victory."

Q. "Was not the Red division upon the admiral's larboard quarter on the morning of the 27th?"

A. "Yes."

Q. "Was not the Vice-admiral of the Red placed in that position by the admiral's signal for the fleet to tack altogether, and I placed in a different position by that signal?"

A. "No, I do not think so; the Vice-admiral of the Red was wide upon the weather quarter of the Victory in the morning of the 27th, and considerably to windward."

Q. "After the Victory stood to the southward, after the engagement, what sail did she carry all the afternoon?"

A. "I have already declared that we were, to the best of my remembrance, under our foresail and double reefed topsails. I do not know whether our maintopmast staysail was out, but I think not."

Q. "Did the Victory lay to any part of that afternoon?"

A. "No:—no part of it."*

Q. "Do you know that the Formidable, and the ships of my division, were the last that came out of action?"

A. "Yes, certainly; the Formidable and the greatest part of them, I believe all of them, except one which had gone ahead of the Victory."

Q. "Do you know if that division suffered more than the other two divisions, as being last out of action, and by the returns made to the admiral?"

A. "Yes, I have understood so."

The Honourable Boyle Walsingham, Captain of the Thunderer, was next sworn, and examined by the court.

Q. "What division did you belong to in the fleet

* The Victory's log falsely represents her to have lain to from one to five o'clock.

under the command of Admiral Keppel, on the 27th of July."

A. "The admiral's division."

Q. "Did you see the Formidable during the action, and did it appear to you that the Vice-admiral of the Blue behaved as became an officer of his rank and station in the fleet?"

A. "I thought the Formidable came into action with great spirit, by keeping up a constant and a regular fire."

Q. "Did the Vice-admiral of the Blue come into his station in the line in consequence of the signals for the ships to windward to come into the admiral's wake?"

A. "No."

Q. "Did you see any impediments to his doing it, and what were they?"

A. "I saw none."

Q. "Did you see the Formidable's foretopsail unbent any part of that evening?"

A. "Yes, for some hours."

The prisoner asked,

Q. "Did you take any notice of the Formidable during the time she was in action, and after the Thunderer came out of it?"

A. "It was in consequence of that I said what I did just now, that the Formidable showed great spirit in coming into action, and in keeping up a very warm and constant fire."

Q. "Had I not the favour of a visit from you within a day or two after the action?"

A. "Yes; I waited on you with Lord Mulgrave."

Q. " Do you recollect upon that or any other occasion, you were pleased to make me many compliments on my behaviour."

A. " Yes, in time of action."*

Captain Faulkner, late commander of the Victory, was sworn and examined.

Q. " Give an account to the court, at daylight in the morning of the 27th of July, relative to the position of the Vice-admiral of the Blue and his proceedings till he came into action."

A. " The Vice-admiral of the Blue was between the chess-tree and lee-beam of the Victory, with his mainsail up—I should think between two or three miles to leeward. Almost all the ships of his division, I think, except the Ocean, had their mainsails up. About six o'clock signals were made for six or seven of the Blue division to chase to windward, which signals they immediately complied with. Some time after, not long, the Vice-admiral of the Blue himself made sail, and those ships stretched a head of course."

Q. " Did it appear to you that Sir Hugh Palliser in the morning of the 27th, did all in his power to bring the Formidable and the ships of the Blue division, that were remaining with him, into action with the enemy's ?"

A. " I have already said they made sail, which was all they had in their power to do in order to gain the wind."

Q. " At what hour were the particular ships' signals

* Captain Walsingham was one of the captains who signed the memorial to the king to remove Sir Hugh Palliser from all his employments. —See Sir Samuel Hood's letter, p. 295, ch. x.

of the Blue division made to bear down into the Victory's wake?"

A. "I think a little before seven o'clock."

Q. "Did the Formidable make any signal of distress, or to speak with the admiral, in the evening of the 27th of July?"

A. "None, I saw her the whole time, and she made none."

The prisoner admitted that he made no such signal, and declined asking witness any further questions.

Samuel Marshal, late captain of the Arethusa, was sworn and examined.

Q. "Were you appointed to repeat the signals on board the Victory, on the 27th and 28th of July last?"

A. "I was."

Q. "Give a general account of all the signals made on the 27th of July, distinguishing the times when hoisted, the significations of the signals, and when hauled down."

"Signals made on board his Majesty's ship Victory, and repeated by his Majesty's ship, Arethusa, on the 27th of July, 1778.

WHEN MADE.		SIGNIFICATION.	WHEN HAULED DOWN.	
	h. m.			h. m.
A. M.	10 30	....for the fleet to tack ..... A. M.	10	42
	11 5	....for the fleet to engage ..... P. M.	1	26
P. M.	1 2	....for the fleet to wear.....	1	10
	1 40	....for the fleet to form a line a-head, one cable's length asunder.....	3	23
	1 50	....for the Proserpine to come within hail	2	
	2 50	....for the fleet to wear	3	
	3	....the Proserpine's signal.....	3	15
	3 24	....for the ships to windward to get into the admiral's wake.....	3	30

WHEN MADE.		SIGNIFICATION.	WHEN HAULED DOWN.
	h. m.		h. m.
P. M.	3 30	....for the fleet to form a line a-head, one cable's length asunder.	
	3 50	....the Milford's signal	4 33
	4 33	....for a particular ship to make more sail	4 34
	4 37	....observing ships out of their stations.	
	4 56	....the Prince George's signal	5 2
	4 57	....the Bienfaisant's signal.	
	5 22	....the Proserpine's signal.....	6 2
	5 32	....the Fox's signal.....	6 13
	6 13	....for ships to windward to get into the admiral's wake, the Elizabeth's signal, the Terrible's signal, the Centaur's signal, the America's signal."	

The Honourable Captain Thomas Windsor, commander of the Fox frigate, stated that he received orders at five o'clock in the evening, to stand to the Formidable, and to acquaint Sir Hugh Palliser, that Admiral Keppel only waited for him and his division coming down into his wake to renew the engagement. These orders were received by hail, and consequently liable to be mistaken, and as the time at which they were said to have been delivered, was thirty-two minutes earlier than when the signal was actually made for the Fox, three miles from the admiral, and which distance she had to accomplish before she got within hail; the evidence of Captain Windsor bears the stamp of peculiar inaccuracy as to time, when contrasted with that of Captain Marshal, of the Arethusa, speaking from the written minutes of the signals, noted at the instant they were made on board of the Victory.

Captain Jervis,* of the Foudroyant, was asked,

* Afterwards Earl of St. Vincent.

Q. "Had you increased your distance from the Formidable during the time of your going large, until you hauled your wind?"

A. "The distance was certainly increased, by the Formidable's appearing to keep her wind, and the admiral's steering large; but whether the Formidable increased her distance, I cannot speak to; but the distance was increased, unquestionably, for the Vice-admiral of the Blue was very near the admiral when he wore, and the distance was increased every minute afterwards. The court is to decide which increased the distance."

Q. "Did the distance increase till you hauled your wind?"

A. "Yes; the distance was increasing undoubtedly. From the instant the admiral wore and was upon the starboard tack till he hauled his wind, the distance appeared to me to be increasing between the Vice-admiral of the Blue and the admiral—the admiral steering large, and the Vice-admiral of the Blue appearing to me (but one cannot speak positively when a ship is at a distance) to be keeping his wind; but whether the admiral or the vice-admiral increased the distance, I beg to be understood not to speak to."

When Captain Bazeley, who commanded the Formidable was called, the prisoner addressed the court as follows:

"As Captain Bazeley is one of the principal witnesses summoned to support my defence, and was summoned by me before he was summoned for the prosecution, I submit to the court, whether there is any objection to postponing his examination:—when he is called upon

by me, the court will then have an opportunity of cross-examining him, and consequently of asking every question which they may deem necessary, in the same manner as if he gave his evidence before I enter upon my defence."

The court consulted, and the judge-advocate delivered the following resolution:

"The court do not think they can dispense with examining Captain Bazeley in support of the prosecution."

Captain Bazeley stated, "That the firing began in the van of the British fleet with that of the enemy about eleven, and the Formidable first opened her fire at about twelve, and began one or two ships ahead of the French centre, within musket-shot, and passed many of the enemy within pistol-shot, and continued in action, going along the French line, as near as I can recollect, one hour and forty minutes."

Q. "How many ships did you receive the fire of?"

A. "I do not know how many; I did not count them as we went along. From the time we opened our fire, we continued it till we had passed the whole French line. I should conceive we were in close action with about fourteen sail. We received the fire of about nine ships before we began our fire."

Q. "What was the Vice-admiral of the Blue's behaviour during the time of action?"

A. "Very gallant and spirited."

Q. "What was the condition of the Formidable after she came out of action?"

A. " A perfect wreck, except that of her masts and yards coming over the side."

Q. " How soon after the Formidable came out of action did she wear?"

A. " Immediately after she wore on the larboard tack."

Q. " What was the situation of the French fleet while the Formidable was on the larboard tack, with her head towards them?"

A. " The French rear appeared to me to be in disorder, and soon after we got round, three of the enemy's fleet began to wear to come up on the other tack immediately to meet the Formidable."

Q. " What did it appear to you was the reason for the Vice-admiral of the Blue wearing to the larboard-tack, and laying his head to the enemy again?"

A. " To be ready to renew the engagement when the admiral should come up with the ships with him."

Q. " What did it appear to you, was the Vice-admiral of the Blue's reason for wearing back again, half an hour after, to the starboard tack?"

A. " The signal for battle being hauled down, and the Vice-admiral of the Red, and the ships with him to windward having shortened sail, and no ships near us. In the disabled state the Formidable was, the Vice-admiral of the Blue thought it necessary to wear back to meet the fleet, to avoid any danger we might be exposed to by the enemy's pointing to us."

Q. " Did the Formidable make any efforts to obey the signal for getting into the line?"

A. " Yes, we did immediately."

Q. " What were those efforts?"

A. " Preparing to set the mainsail, and splicing the tacks and sheets which were shot away on both sides and reeving new braces for the yards, all the braces being shot away, except one main brace, the only one left whole in the ship. That was the first object before we turned to knot the shrouds and get the mast properly secured to make more sail."

Q. " Was every other effort made use of, by which the Formidable could have kept her station in the line after the mainsail was set?"

A. " Yes, every effort was made use of—officers and ship's company immediately employed to get the ship refitted, till ten o'clock at night, without any intermission."

Q. " Did the Victory carry so much sail as to prevent the Formidable from getting into her station?"

A. " Yes; she increased her distance from the first instant after passing the Formidable, till dark at night."

Q. " Did the Victory in general out sail the Formidable, with the same sail?"

A. " At all times, and in all situations of sailing."

Q. " Did you see the signal on board the Victory for ships to bear down into the admiral's wake?"

A. " I did; near about seven o'clock, as well as I can judge; signals to bear down, with particular ships' pendants of the Vice-admiral of the Blue's division, which were immediately observed and repeated on board the Formidable."

Q. " Did the Vice-admiral of the Blue bear down in consequence of that signal?"

A. " No; he kept the admiral open in the position I

have before stated to endeavour to recover the length of his station, before he would attempt to go down into the line."

Q. "Was the Formidable at the time you now speak of in a condition to go down and take her station in the line with respect to her sails and rigging?"

A. "No, by no means in the world, either to recover her station, or to keep her distance between two ships in the line."

Q. "Had there not been time in three hours and a half to have brought on more sail?"

A. "No, not in the condition the masts and rigging were in after coming out of battle, to have ventured to carry sail with safety on either of the masts, till the shrouds and stays were properly secured."

Q. "Do you not think a ship going two knots and upwards may be able to keep her station in the line or between two ships?"

A. "No, by no means, when the admiral goes faster, which was certainly the case as to the Formidable the whole of the afternoon."

Q. "Did the Vice-admiral of the Blue express his uneasiness at any time in the afternoon at not being in a condition to obey the signals then out?"

A. "Frequently to me at different times, and was very anxious the whole afternoon."

Q. "Did you bear away into the admiral's wake at any time before dark?"

A. "We did not—I judged we were about a mile a weather of the admiral's wake, and three miles astern, and the course we steered to get up into our station, before we made any attempt to get into the line, was

keeping the admiral just open on the lee bow; which, if I am allowed to have any judgment, was, I think, the most proper course to recover our station."

Q. "Do you think it was possible to have got the Formidable into a state to have bore down into her station by seven o'clock?"

A. "I do think it was impossible."

Q. "Were the courses the ship steered in the evening and the night particularly directed by the vice-admiral, or were his directions in general to get the ship into her station?"

A. "The courses were by the vice-admiral's own directions to me, and when I went off the deck at any time in the night after ten o'clock, the same directions were left with the officer who had charge of it. Indeed I was never off the deck fifteen minutes together during the whole day and night, and never sat down till after ten o'clock at night to refresh myself."

Q. "Did it occur to you from the situation of particular ships, and the fleet in general, that it would have been a right measure for the vice-admiral to have shifted his flag?"

A. "By no means. It did not occur to me that it would have been a right measure."

Q. "What were your reasons for thinking it would not have been a right measure?"

A. "Because I did not think the admiral meant that evening to renew the battle. That was my opinion then, and I am still of that opinion, from every circumstance I can collect, and from my own remembrance of the manœuvres and situation of the fleet."

On the fifteenth day of the assembling of the court, the prisoner's defence was read by the judge-advocate, and is as follows:

"Mr. President, and Gentlemen of the Court.

"Before I enter into the formal vindication of my conduct, I entreat the indulgence of the court, whilst I speak a few words concerning the peculiar circumstances under which I appear before them. There is some consolation in lamenting my misfortunes in the presence of persons with generous minds; men whose honourable feelings will not deny the tribute of commiseration to the unfortunate.

"I may truly call myself unfortunate in the severest sense of the word; for *all those sufferings, which now afflict me, have been brought on by the pursuit of a candid and fair hearing, to defend my character against the unprovoked attacks of the most inveterate and unrelenting enemies.*

"Four-and-forty years I have now had the honour to serve my king and country in the navy; during which long time I have not been without my share of the hardships, the dangers, and the distressful incidents so common to men of our profession. From the commencement of this long service, it has ever been my first ambition to deserve the favourable opinion of my countrymen, by the most industrious exertion of my faculties in every way proper for a naval officer; having neglected no opportunity of meeting the public enemy, or of performing any other duty to which I was competent.

"It has been my good fortune to have had my labours in the service rewarded by my sovereign with honourable and profitable offices; and also, till the occasion of the present trial, uniformly to meet with the approbation of my superiors in command. But I have ever valued my honour and character as an officer and a man at a higher rate than the emoluments of the most beneficial employments; and it has ever been my principle to be ready to make a sacrifice of the latter, rather than tamely submit to the assassination of the former.

"When it was thought expedient to arm our fleets against France, though already possessed of offices which supplied an ample income; and though for thirty years of my life afflicted with a painful bodily infirmity, from an accident in the course of service, and therefore more exposed to danger from the fatigues of a sea-command; yet, warmed by a zeal to serve my country once more in the walk of my profession, I was happy to be honoured with the third post in the fleet under the command of Admiral Keppel.

"An engagement soon ensued, and for my share in it the admiral publicly and repeatedly testified his approbation of my conduct. But the action not being followed with that splendid and complete victory our countrymen expected, some of the friends and dependents of the admiral thought fit to cast injurious reflections both on me and my division, though much the greatest share of the engagement had fallen to our lot: and it was endeavoured, by letters in the public prints and otherwise, to impress the world with an idea, that my misconduct, more particularly, was the

cause of not having come to a second and more decisive engagement.

"I appealed to my commander-in-chief for justice to my character; but I found him averse to giving the proper check and contradiction to the reports, by which my honour was wounded; and, notwithstanding his having at first *publicly approved* of my conduct, I had too good grounds to suspect, that *privately he did not discourage* a very opposite representation of me.

"Inflamed with resentment by the attacks on my character as an officer, and by the refusal of the commander-in-chief *either to accuse or exculpate me*, I pursued measures, with a view chiefly to my own justification, which have brought upon me the rage of a violent party; and the *most unexampled irregularities* have been practised, to effect my ruin and destruction, as well as *through the pretence of my name to disturb the public tranquillity.*

"To check these proceedings, I anticipated the wishes of my enemies, by making an immediate surrender of several valuable offices, to the amount of between two and three thousand pounds a year; leaving myself with no other mark of distinction, than my *military rank, which I retained with a view only to have the benefit of a trial.*

"But my enemies prescribe no bounds to their rage and malice. Before my trial was ordered, every species of *threat* was applied to deter me from appealing to a court-martial for clearing my honour; and since it has been known, every *art*, which the industry of *a host of powerful enemies* can supply, has been practised *to disappoint me of a fair hearing*. All accuse *secretly;*

but *not one* of the whole list chooses to come forth in a manly way to *avow his accusation.* By this ungenerous manner of proceeding, I am exposed to the most extraordinary disadvantages. My real *accusers* become *witnesses.* No specific charge is made; in consequence of which I scarce know how to shape my defence. *Every witness* claims the right of attacking me as *an accuser;* so that since the first day of the trial, *new accusations have been daily springing up.* If the accusation fail of success, blame belongs to nobody. If it succeed, each will claim a share in the merit of making it. But even all this is not enough to gratify their resentment. Since my trial has been ordered, they have attempted to deter me from it, by conspiring to address his Majesty to degrade me from my rank; and I have too much reason to believe, that two of the admirals, and most of the captains examined against me, have been so regardless of even the semblance of decency as to sign it; though even when they knew, that they were to be called upon as witnesses. Nay, since the trial has been going on, daily attempts have been made in the public papers to *alarm my judges;* as if *themselves would not be safe from attack for doing me justice.*

"With all this weight of party and prejudice co-operating against me, my enemies may have flattered themselves, with the hopes of disarming me of the fortitude requisite to sustain me in so oppressive and trying a situation. But, feeling a consciousness of my innocence, and encouraged by confidence in your firm impartiality, unequal and severe as the conflict is, I look to the issue of it without dread or apprehension.

"The general subject of the present trial is my conduct as commander in the third post of the British fleet under Admiral Keppel, on the 27th and 28th of July last; more especially my conduct subsequent to the action with the French fleet on the former of those days.

"The first thing insinuated against me is, that at five in the morning of the 27th, my ship was considerably to leeward of her proper station. I collect this charge from the manner in which Admiral Keppel, on his trial, explained the object of the signal for six or seven of the ships of my division to chase to windward; for, as he represents, this signal was to close the interval between the Victory and me, *occasioned by my being far to leeward;* and Admiral Campbell, who *now appears to have made this signal, so important in its consequences, without previously consulting the commander-in-chief*, justifies it under the same idea.

"Whether those gentlemen mean absolutely to impute any fault to me in this respect, is not quite clear from their words. But, as they may bear such a construction, it is not fit that I should suffer them to pass unnoticed.

"My answer is, that, at the time stated, the Formidable was upon the Victory's lee bow; and that this was the position, in which the admiral's last signal for the fleet's tacking all together, which was in the morning of the preceding day, had placed me; and that he suffered me to continue in it, without making any signal to alter my position; which implies, that he did not disapprove of it. As to the evidence of Admiral Campbell

on this head, he placing me before the Victory's *beam*, it will be found contradicted, not only by my officer's, but by Admiral Keppel's *own journal*, which expressly describes me on the 27th to have been on his *lee bow* at day-light. The words of the journal are, *at day-light saw the French fleet to windward, the Vice-admiral of the Red and his division well on the weather-beam, the Vice of the Blue on the lee bow.* Therefore it seems most probable, that Mr. Campbell, perhaps not a little solicitous to justify his own signal, I will not say influenced by a desire to strain every thing into a crimination of me, is inaccurate in the recollection of my position. But be this as it may; and though it should be admitted, that Rear-admiral Campbell is right in supposing me to have got more to leeward in the morning of the 27th than I was the night before; yet I trust that this will be no cause of censure of me, unless it shall appear, which I think impossible, that my being too far to leeward was owing to some negligence or inattention on my part. Sure I am, that I was ever studious to keep my ship, where I thought the admiral's motions required her to be; nor have I the least reason to suppose, that my officers were wanting in exertions to second my endeavours, and obey my orders for this purpose.

"As to my conduct in the engagement itself, it was so unexceptionable that the most bitter of my enemies do not complain of it. Consequently, to enter into a very formal justification of this part of my conduct would be giving unnecessary trouble. However, I doubt not but that the court will be attentive to the share I had in the engagement; as well because the proper dis-

charge of my duty, whilst the action lasted, may entitle me to strong presumptions in my favour, as because it will account for the extraordinary damages to my ship, which materially relate to the defence of my subsequent conduct.

"With a view to this, I beg to be indulged with a few words relative to the time of action itself.

"I went into action under very singular disadvantages; for, whatever might be the intention of the signal for most of the ships of my division to chase to windward, the effect produced was separating so many of my division from me, and from each other, that, during the time of action, I had not one ship near enough to support me. Both the other flag officers were supported in the action by all the ships of their respective divisions; and the admiral's own division was further aided by the junction of several ships of mine. But the signal for chasing left me with only two ships in any degree near me; and these, by the chasm from the want of my other ships, were at too great a distance to take off any of the enemy's fire, the nearest ship a-head of me being half a mile from me, and the nearest astern, a mile; except for a few minutes at the latter end of the action, when one of the ships astern of me shot close up to leeward of me. Before I began firing on the enemy, I *backed my mizen-topsail, and it was kept so the whole time I was passing the French line;* which, by *retarding my progress*, enabled me to give the French *more of my fire*, and consequently was the cause of my receiving *more from them.* The first ship I became close engaged with, was the first or second ship a-head of the French ad-

miral; after which I successively passed the remainder of the French centre, and the whole of their rear; and that no ships might escape my fire, I *hauled my wind, to close with the two sternmost ships of the enemy*, which appeared to have kept more to windward than the other ships I passed, and not to have been engaged before. On the whole, I believe, that the Formidable fought seven or eight ships more than fell to the share of Admiral Keppel, whose log takes notice of engaging only six ships of the enemy, besides the French admiral, and is therein confirmed by the evidence of Mr. More at the late trial, he speaking to only seven or eight ships.

"These particulars of my conduct in the engagement I should be above relating, if it was not necessary to account for the extraordinary damages to my ship; and if some of the witnesses against me, when they were examined to this point, had not spoken of me in such *cold* and *indifferent* language, as strongly marked their anxiety to prevent any favourable impressions of me on the minds of the court; lest my proper behaviour, in the critical moment of action, should induce a favourable construction of my subsequent conduct. It is very true, as Admiral Keppel expresses it, that I only performed my duty like other officers. But the question which came from the court, did not lead to so *invidious* and *offensive* a comparison as the answer points at; nor can I imagine why it was answered in that way, except from ill-will towards me. If any comparison was proper, it should have been, not of the conduct of one officer with another, but of the share they respectively had in the action, from the different situation of their ships. It might be, and so the fact

was, that it was my fortune, and that of the ships of my division, to have more of the action than the ships of the two other divisions. Yet it would be a great injustice to suppose, that the captains of the other divisions, if they had been engaged on the same terms, would not have acquitted themselves with equal zeal.

"On coming out of the action, the first moment I was clear of the smoke, I anxiously looked for the admiral, being ever solicitous to second what appeared to me to be his design. At this time he had wore, and I saw him at some distance, with the ships of his own division about him, and some of mine, which had joined him in the beginning of the engagement. He was standing towards the enemy, and had the signal for battle still flying. The Red division was then to windward of the rear of the enemy. Hence *I took for granted, that the admiral intended to renew the engagement immediately;* and, rejoicing at the idea, *I did not one moment hesitate to endeavour taking the lead in what then appeared to me so glorious a design.*

Therefore, though my ship was the last, or last but one, which came out of action, and had apparently suffered very much in her sails and rigging, and in loss of men, yet I *instantly ordered the ship to be wore, and to stand towards the enemy, who was still within gunshot of us*, without waiting to examine into the state of our damages. I also directed the officers and men to return to their quarters. My orders were executed instantly; and, by the use of temporary ropes to brace the yards about, the ship was wore. Admiral Keppel and the officers of the Victory say, that they were *quite ignorant of this movement of the Formidable.* But to

others it was *very apparent*, particularly to Captain Marshal and the captain of the Worcester. How so material a motion of the commander in the third post escaped the notice of those on board the commander-in-chief, I know not. But, whatever the cause may have been, I feel this as *one of the many instances*, in which it was my ill-fortune not to be an object of their attention under any circumstances which place my conduct in an *advantageous* point of view.

"Some time after thus wearing and standing towards the enemy, I perceived that the admiral had hauled down the signal for battle, and shortened sail; and that the same was done by the Vice-admiral of the Red. This led me to imagine that the admiral had given up all thoughts of immediately renewing the action; and I was not mistaken, for the admiral confesses and justifies it. At the same time seeing the whole French fleet wear to come on the starboard tack, and that three of them stood directly towards the Formidable, I directed her to be wore a second time, and advanced to join the admiral. This step appeared to me necessary to prevent the danger of being cut off; and it was a further inducement to me, that I then did not see any thing to warrant my keeping so near to the enemy, and at such a distance from the admiral and the body of the fleet, as I was then alone.

"At this period arises the second article of charge against me, for the origin of which I am also indebted to Rear-admiral Campbell; for it was he who first said, that as the signal for the line at a cable's length asunder was then flying on board the Victory, and she was on the larboard tack, I ought to have con-

tinued on the same tack, and also ahead of the admiral, that being my station in the line on the larboard tack.

" But the fact is, that we on board the Formidable did not see the signal for the line till we came abreast of the Victory. That signal being at the mizen peak, and the Victory standing end-on towards the Formidable, it was impossible that we should see it sooner. It was also invisible to us on board the Arethusa, the repeating frigate; for she had been called in from proceeding to her station, and kept near to the Victory, Captain Marshal being actually on board her. This brought both ships into the same position in respect to the Formidable, and rendered it equally impossible to see the signal on board of either. I believe that I am quite accurate in stating the position of the Victory and Arethusa at the time I am speaking of, that is from the second time of the Formidable's wearing till she passed the Victory. Captain Marshal, having been first called by signal, and then hailed, had been an hour on board the Victory; *a very extraordinary circumstance*, as it appears that *there were no orders for him*, and *his being with the repeating frigate out of her usual station, during so critical a time*, deprived me, and probably some others, of the full opportunity of seeing the signal for the line. At all events, I am certain, that in point of fact I never saw the signal for the line till we were abreast of the Victory, though I continually directed my attention to her; nor was it seen by any of my officers. This will appear the less extraordinary, when it is considered, that Sir Robert Harland never saw it, whilst on the larboard tack; though his situation on the Victory's weather-bow rendered it indisputably

more probable, that he should see it, than that I should, when right ahead of the admiral. Captain Laforey also acknowledges, that he did not see the signal for the line, whilst he was on the starboard-tack, and the Victory on the the larboard, till he passed the Victory. It is material to observe, that whilst I was standing towards the Victory, no ships were formed in a line ahead or astern of the admiral; nor was there any other indication of the signal for the line being flying; for it had not been enforced, either by the signal for seeing particular ships out of their stations, or by the signal for particular ships to make more sail; both which signals, being at the maintopmast head, might have been seen by us, though the signal for the line was invisible. But if I had seen the signal for the line, my wearing and approaching towards the Victory on a contrary tack would have been justifiable; because, as I have already explained, the signal for battle was hauled down, and the Victory, with the Vice-admiral of the Red and his ships, had shortened sail; and at the same time, I saw the French fleet wearing to come on the starboard tack, and three of their ships pointing towards me. Under these circumstances, it appeared to me, that, if I had not wore again, and stood to join the Victory and the rest of our fleet, the three ships of the enemy, which pointed to me, would have had it in their power to have separated me from the rest of our fleet. My danger at this time is apparent, even from the evidence of Admiral Keppel himself. About the time of my wearing, he made the signal to wear; and though he was considerably more distant from the enemy than the Formidable was when she wore, he

says, that *he should not have deserved the name of an officer, if he had not wore;* founding himself on the circumstance of the enemy's forming their line upon the starboard tack, and his lines not being formed. This was only a little before the time, when Sir Robert Harland at a former trial described Admiral Keppel to be in so much danger, that, seeing him, as Sir Robert said, unsupported, and within the power of the whole French force then astern of him, he was coming down to support the admiral, without waiting for orders. If then it would have been so dangerous for the Victory to have continued on the larboard tack, what must have been the consequence, if my ship, *alone* and *so much nearer to the enemy*, had remained there? But notwithstanding all these circumstances to justify me for wearing the second time, and advancing to join the Victory, the admiral, in his evidence, could not help betraying his inclination to blame me; and Rear-admiral Campbell, *ever industrious to attack me*, goes a step further, precipitately and decidedly imputing to me a positive disobedience to a signal, which I neither did nor could see. This is the more observable; because Admiral Keppel acknowledges, that *when I passed the Victory, there was no other ship with her, notwithstanding the signal for the line*, and that mine was the last ship which passed him; and further, that he then saw no possibility of forming the line on the larboard tack, and had therefore made the signal to wear, which the Formidable had already executed. *Yet he approved of all the other ships which passed him, but blames me.* How is this partiality to be accounted for, otherwise, than by supposing both Ad-

miral Keppel and Rear-admiral Campbell, to be influenced in their representations of my conduct by ill-will towards me?

" One other observation only seems necessary on this head, which is, that the admiral himself confesses, that *my wearing the second time*, coming on the starboard tack, and joining him, *did not prevent his renewing the engagement, or produce any other ill effect*, and was so far from interfering with his views at the time, that I was only doing that which he was on the point of doing.

" A little before three o'clock, the Formidable passed to leeward of the Victory; and in passing, the signal for wearing *first* opened upon us, and then the signal for the line. The latter was soon after repeated by me, notwithstanding the doubts which may have arisen from its not having been observed by several of the witnesses examined against me. The fact of my repeating it is not only mentioned in the Formidable's log-book, but will be proved by the officers of the ship, particularly the midshipman, whom I appointed to repeat signals, and by other witnesses. It will also be further proved, by a very remarkable piece of evidence, which probably never would have occurred to me, if a member of this court had not asked one of the witnesses, whether a gun was not fired, as it ought to be, when the signal was repeated. This question led me to call for the gunner's expense-book of the Formidable, where to my great satisfaction, I found a most corroborating evidence of our repeating the signal for the line; namely, an express charge of the expense of powder for the gun fired on the occasion, which appears to be the last gun fired from my ship on the day of action. The gunner's ex-

pense-book I shall have produced for the inspection of the court; and I hope that this, with the other evidence, will remove all doubts about a fact, which some of the witnesses against me have *so positively* denied. I shall, also, prove that the signal for the line was kept flying till it was dark; except for a short interval, during which it was shifted to make the signal, for ships to windward to bear down into the admiral's wake, the first time of hoisting, more conspicuous, in the same manner as was done on board the Victory. As to the signal for wearing, it was not repeated by me; because, being already on the starboard tack, as that signal required, I deemed the repetition improper. Rear-admiral Campbell, on the trial of Admiral Keppel, spoke as in doubt, whether the signal for wearing was made till after I had passed the Victory, saying, that the Victory did not wear till a quarter of an hour after passing on the larboard tack and to windward of the Formidable, which to the best of my recollection, is allowing much too long a time; for it appeared to us on board the Formidable, that the Victory wore almost immediately after passing to windward of us. But the purser of the Arethusa, who took the written minutes of signals on board the repeating frigate, makes this signal for wearing to the starboard tack to have been up half an hour; as by his account it was hoisted at half an hour after two; and Captain Marshal and the mate of the Arethusa agree with him that it was not hauled down till three. Consequently it was up a quarter of an hour before I passed to leeward of the Victory, even though Admiral Campbell should be correct in supposing, that it was so long as a

quarter of an hour after the Victory's passing us on the larboard tack, before she wore.

" Within a few minutes, or to adopt Admiral Campbell's reckoning, a quarter of an hour, after the Formidable's passing the Victory, whilst the latter was on the larboard-tack, she wore and repassed to leeward of the Formidable, and very near her.

" Here it is proper to take notice of a *very strong charge of disobedience to signals*, which my enemies have repeatedly urged against me, with the utmost confidence, and which has been the *great cause, both of the late trial, and all my present sufferings.* The charge, as first stated in the public prints, was, that *the cause of Admiral Keppel's not re-attacking the French at half-past three in the afternoon was my not joining him, but being at that time four miles to windward with my division.* Admiral Keppel, speaking in parliament a little time before the charge which produced the late trial, though he then seemed to disclaim the imputation of any wilful disobedience on my part, pointed at the same thing, for he asserted, that *the signal for coming into his wake was flying from three o'clock to eight in the evening, unobeyed.* In his defence on the late trial, the admiral pursues the same idea, for he asserts, that the blue flag, for ships to windward to come into his wake, was hoisted the first time, because *I continued to lie to windward; and by so doing, kept my division from joining him.* I am now citing *the admiral's own words* when on his defence; and in the evidence he has given against me on oath, he expressed himself to the *same effect;* when he explained to the court the occasion of first hoisting

the blue flag. But the charge, thus boldly asserted, *supposes facts, which never existed.* According to Captain Marshal, his purser, and the mate of the Arethusa, all speaking from the written minutes of signals taken at the same time, the blue flag, for ships to windward to come into the admiral's wake, was *first* made at *twenty-four minutes after three*, and it was *hauled down a few minutes after;* the two former witnesses mentioning thirty minutes after three, and the latter twenty-seven minutes: and *all three agree, that it was not made again till thirteen minutes after six.* It is also proved by the minutes of the purser, who was the person appointed by Captain Marshal for the purpose, that the signal, for wearing the second time, and coming to the starboard-tack, was made at *thirty minutes after two*, and hauled down at *three;* which shows, that, at this latter time, the Victory was in the act of wearing; after which she passed the Formidable to leeward, so near as to be almost within hail, and went ahead of her, and then edged away, leaving the Formidable in her wake. *Within so short a time as the twenty-four minutes, from the Victory's wearing, to the hoisting the blue flag* on board the Arethusa, it was absolutely impossible, that the Victory could have wore, passed the Formidable, and got so far ahead of her, but what *I must have been much nearer to the Victory than the mile prescribed to me, by my station in the line;* and as by the Victory's edging away I was left in her wake, *the blue flag could in no sense be applicable to me; nor was it applicable to the ships in general of my division;* for all of them, except the Defiance, which had joined the Red division, and the

America, which was far ahead, were a long way *to leeward of the admiral, when the blue flag was first hoisted,* as will appear from examining the evidence of the several captains of my division, at the late trial. It also appears by the same testimony, and the admiral's own account of the ships when he made the signal to wear to the starboard tack, that *no ship was near me but the Victory* herself; so that, *though I had been to windward, I could not be said to have kept the ships of my division with me.* So far I justify myself on the supposition that the admiral might possibly have got to leeward of me, a little before the first time of making the signals for ships to windward to bear down; and if there was nothing more, I should stand fully exculpated from being the cause of that signal. But an additional fact is come out on the present trial, from a witness examined against me, *which removes even the possibility of my being the object of the blue flag, the the first time of hoisting it.* Mr. Graham, who took the minutes on board the Arethusa, has informed the court, that *the blue flag, though not repeated on board the repeating frigate till twenty-four minutes after three, was hoisted on board the Victory at fifty-six minutes past two;* Captain Marshal not choosing to repeat it, till the signal for the line was hauled down on board the Victory, to show it plainer. Compare this with the time of hoisting the signal to wear to the starboard tack, which was at *thirty minutes after two*, and the time of the Victory's actually wearing, which, from the written minutes taken on board the Arethusa, appears to have been at *three*, and the *unavoidable result* must be, that *the blue flag, for ships to windward to*

bear down, was first made, when the Formidable was actually to leeward of the Victory. What then becomes of the admiral's confident assertion, that my *still continuing to windward* was the cause of this signal? I beg the court's particular attention to this exposition of the *numerous untruths and misrepresentations*, which have been applied, to make the situation of my ship the cause of first hoisting the signal for ships to windward to bear down. I was represented to have been to *windward* of the Victory, when I was actually to *leeward* of her. If I had not been to leeward, *the time would have placed me in the admiral's wake, within the distance of my station in the line;* whereas the charge supposes me to have been *so far* and *so long out of his wake*, as to require an enforcing signal. I am represented to have *continued to windward*, before the signal was made, which implies, that I had been so for some considerable time. But if I had really been to windward, the twenty-four minutes between the Victory's second wearing, and the first time of the Arethusa's repeating the signal for ships to windward to bear down, would barely have allowed time for the Victory's passing to leeward of the Formidable. My division is represented to have been to windward of the admiral, when only one of them was so. They are said to have been kept near me, when they were at a distance from me, and actually to leeward of the admiral, and when the only ship near me was the Victory herself. *The signal for coming into the admiral's wake was alleged to be flying from three o'clock in the afternoon till eight o'clock at night, unobeyed by me.* But the fact turns out to be, that *it was never flying*

from twenty-seven or thirty minutes after three, to thirteen minutes after six; and it is as certain, that it was not applicable to me at the soonest, till this latter time.

" But if neither I nor my division were objects of the blue flag the first time it was hoisted, it may be asked, to what ships it could be applied; and this I think myself able to explain to the court, though in strictness my justification requires no more, than proving myself not within the meaning of that signal. The court will please to recollect, that the blue flag was first hoisted at fifty-six minutes after two at the mizen peak, with the signal for the line; and that the Proserpine's signal was made at three o'clock, to carry a message to Sir Robert Harland then to windward, to form in the rear of the admiral, instead of going ahead, which was the proper station of the Red division on the starboard tack; and further, that the signal for the line was hauled down at twenty-three minutes past three, to make the blue flag the plainer. It is therefore extremely probable, that the blue flag was first intended for Sir Robert Harland's division to bear down. But lest the signal for the line, the most commanding of all signals, should be understood to control the blue flag, and so prevent Sir Robert from obeying it, I conclude, that Captain Sutton was sent with the message for Sir Robert's forming in the rear; and as he was some time in going, and the admiral was apprehensive perhaps of an attack on himself and the crippled ships to leeward of him, it is probable, that the original signal for the line was hauled down to prevent any misconception of the blue flag, and so to expedite the purpose of the

message. If the blue flag was not intended for Sir Robert Harland's ship to windward, I can no otherwise apply it, than by supposing it made for some ships of the centre division, which might be then to windward, instead of being in their stations astern of the admiral.

"After the two ships had passed each other, the Formidable remained for some time, within the length of her station in the line; she being the ninth ship from the Victory, and consequently nine cables' length, or rather more than a mile from her. But, as the admiral carried *more sail* than the Formidable, in the disabled state of her sails and rigging, could make, the former was gradually and constantly increasing her distance from the latter till night. The particular time when the Formidable was first left beyond the prescribed distance of her station in the line it is impossible to fix. But whatever the time was, whether an hour or more after being passed by the Victory on the starboard tack, it is the period from which I am to account for not preserving my station.

"To find out whether I used my utmost endeavours to preserve it, there are two things to be considered; first, *whether I steered the course proper for getting up to my station again;* and secondly, *whether I carried all the sail in my power.* If my being out of my station in the line was owing to any failure on my part, it must have been in one or both of these points; and therefore they are the true and proper test of my conduct.

"When the admiral had passed to leeward of us, he edged away, which placed us in his wake, and

we continued to steer after him, till the Red division passed under our stern to form in the rear, when we hauled a little to windward out of their way. This, at the same time that it served to give room to the Red division to form, prevented us from being interrupted in refitting our rigging, without producing any inconvenience to us, as it was impossible in our then state to have kept our station between any two ships in a line. But as soon as we had got clear of the Red division, my intention was to keep the admiral a little open under our lee-bow, which was keeping the command of the wind, for taking our station when we got up the length of it, and were capable of managing our ship in the line. This has been already proved to the court by the captain and the master of the Formidable, who have mentioned the directions I gave on the occasion, and that they were complied with as exactly as was possible, and that we constantly kept the course I have described. I shall also trouble the court with further examinations on the same head.

"That we carried all the sail in our power will be fully explained to the court, when I examine my officers, to prove how greatly the Formidable had suffered in her sails and rigging. One of the principal impediments to our keeping up with the admiral, was *our inability to bend our foretopsail till between seven and eight in the evening;* the reason of which was stated to the court, both by Captain Bazeley and the master of the Formidable; and if it shall be necessary, it may be further inquired into, when I call them and my other officers.

"In the course of the evidence against me, it has

been attempted to impress the court with an idea, that the Formidable was damaged in sails and rigging little more than the ships in general, and not more than the Victory. But the court will consider and decide on the truth of this insinuation, when all the particulars of our damages are related by my witnesses. In the meantime, it may not be improper to remind the court, how very improbable it is, from a comparison of our much greater loss in killed and wounded, than the rest of our fleet experienced, that we should not have suffered more in other respects. It fell to the lot of my division to have the greatest share of the action, in consequence of which *we had more killed and wounded than Admiral Keppel's and Sir Robert Harland's divisions together;* and *the Formidable had not only more killed and many more wounded than any other ship, but even had singly, within two, as many killed and wounded, as all the ten ships of Sir Robert Harland's division collectively.*

"My enemies have laid much stress on its being so long before the Formidable was refitted, as if we had been tardy and dilatory. But I am confident, that the testimony of my officers, when they are examined, will evince the contrary; and that every possible effort was made to repair our damages in the shortest time. If the time, for which we were so employed, should appear long, the court will please to consider the many circumstances which concurred against us. The Formidable, I may safely say, had suffered in the action more than any other ship; and as we came last out of action, we consequently began to repair later. The time was still further protracted by our wearing imme-

diately to stand towards the enemy again, and continuing to keep the men at quarters in expectation of an immediate renewal of the action; so that we did not begin to refit, till we came again to the starboard tack, and joined the admiral. We were also under other singular disadvantages, which retarded our refitting, when it did commence. The *boatswain* was *killed* in the action, which must be allowed to be a capital loss on such an occasion in the repair of sails and rigging, those being in his particular department. I was *deprived of all use of three of my lieutenants;* for one was wounded in the action, and two were so extremely ill, that, notwithstanding the greatest anxiety to be upon duty during the action, they were absolutely incapable of coming upon deck. It unfortunately happened too, that there was not one person on board the Formidable, either officer or seaman, who was in her when she was fitted out, or knew how the boatswain's stores were stowed. Having all these difficulties to struggle with, we could not have refitted the ship so soon as we effected, if I and my officers, with the men, had not all submitted to the most fatiguing exertions, without the least remission till late at night; nor could the business of the repairs have been properly directed, if, by my desire, Captain Bazeley had not, after the action, left the quarterdeck to attend on the forecastle, where our principal damage was received, and by his personal activity and superintendence there, endeavoured, as far as was possible, to prevent the inconveniences from the loss of the three lieutenants and the boatswain.

" Some have attempted to make use of the circum-

stance of the Formidable's wearing twice, and sheering out of the way of other ships to my disadvantage; and to persuade the world from her being so far *manageable in this respect*, that she was *manageable for every other purpose;* and therefore, that this was a proof of her not being so disabled in her sails and rigging as I represent. But I appeal to the experience of sea-officers, whether a ship, with any sail set in moderate weather, will not easily wear, or when going large, as easily sheer out of the way of other ships, *though not able to keep way with another ship carrying more sail than she is capable of setting*, which was the case of the Formidable with respect to the Victory.

"Another adverse attempt has been made to show the position of the Formidable, when she became to windward of the admiral, to have been such, that by bearing away, she might at any time have fetched into her station. One or two of the officers of the Victory have accordingly placed me in or near the wind's eye of my station, saying, that they saw me almost on the Victory's beam. But none of them pretend to have set the Formidable by compass; and they have been most positively contradicted by Captain Bazeley and the master of the Formidable; both of whom have testified that she was left by the Victory at the distance of three miles, and about three points on the Victory's quarter, and one mile to windward of her wake, which, together, throws me a mile and a half astern of my proper station in the admiral's wake. They will be confirmed in this by my other officers, and are more likely to be accurate in their observation; because it

was their business to regulate the motions of my ship by those of the Victory, and they had my orders to keep the latter a little open on the former's lee bow; whereas those, from whom they differ so widely, had no particular reason to be nicely attentive to the relative position of the two ships. Captain Marshal also, who appears to have been generally very accurate in his observations, corroborates the position of the Formidable, as described by my officers, where he explains the relative situation of his own ship, in respect to the Victory and Formidable, when the Fox was sent with the message to me. But what still further exposes the extravagance of placing me in the wind's eye of my station is, its being contradicted by Admiral Keppel and Rear-admiral Campbell. The former is very vague in describing my position. But as nearly as I can understand him, his remark from the couch does not tend to make me more than four points on the Victory's weather-quarter; which, in effect, agrees with Mr. Campbell's account. Such being their idea of my position, it differs *only one point from the account of my officers;* for the latter place me three points on the Victory's weather-quarter, and it imports little to my defence, which are most correct, when it is considered that whether I was three or four points on the Victory's weather-quarter, I was in either case far astern of my station in the admiral's wake, and consequently, could not fetch up to it, except the Victory had shortened sail, or till I was able to set more sail than the Victory. It will scarce be objected, that I should have bore down into the admiral's wake before I had got up the length of my station. But lest

it should, I submit to the court, that as the admiral did not bring too, but was constantly increasing his distance, it was officer and seaman-like to keep to windward of my station, till I could get near the length of it, and was able to preserve it when recovered. The course I steered to reach the length of my station, if it could have been effected, would have brought me within half a mile to windward of it; and bearing down into the admiral's wake sooner, would have been both an interruption to the ships already formed, and acting contrary to the signal for the line then flying, which, being more commanding than the other, controled it.

" I have been so long in vindicating myself against the charge of disobedience imputed to me, for not being able to keep my station according to the signal for the line, that I am very unwilling to trouble the court with any other remarks on this part of my case. But the unrelenting invention and ingenuity of my enemies compel me to request a little further indulgence on the same point. From the purport of some parts of the evidence, I can plainly see, that it is intended to lead the court to consider me as the cause of increasing my distance from the Victory.

" One mode of encouraging such a supposition is, that we continually kept close to the wind, whilst the Victory was going large. But the real fact is far otherwise. The course of the Formidable was south the whole afternoon, which was a point or two from the wind. Our log so states the course; and it will be corroborated by the testimony of my officers. The Victory's log *falsely represents her to have laid to from*

one to four o'clock; and *this falsehood was acknowledged by her master on the late trial.* But during the rest of the afternoon, her log describes her to have steered south, two points from the wind, till seven in the evening, when she is made to go south-south-east two miles, and afterwards to haul close to the wind. This shows that we steered the same course as the admiral, and so furnishes an answer to the vague and contradictory account of our always hugging our wind. The truth is, that we never kept close to the wind, but always steered with the admiral in the same direction, a little under our lee, which led us after him on the same course with him, and without altering our position from him, except by an increase of distance; and even, if we had been inclined to hug the wind, as is suggested, the bad state of our braces and bowlines would not have allowed it. The nearest we kept to it, was a short time after the admiral's passing us to leeward, which was done, as I have mentioned before, that the Red division, when they passed under our stern to occupy the rear, might have room to effectuate their movement, without any interruption from the Formidable.

"Another objection, aiming at the same conclusion, is deduced from a comparison of the Victory's log with the Formidable's, as to the rate of sailing. The rate marked in the Formidable's log, from four in the afternoon, is, for the first hour, two knots two fathoms; from five to six, three knots; and from six to seven, three knots four fathoms. The Victory's log for the same hours is uniformly two knots each hour. From this difference the argument attempted is, that my ship

out-sailed the admiral's; and therefore that it was my fault if I did not keep up to the length of my station. On the supposition that the two logs were accurately marked, and that there was no evidence to impeach their correctness, I am not afraid to acknowledge, that there would be force in this reasoning. But this would be a dangerous example, if courts-martial should give implicit credit to the marking of log-books; more particularly, when the attention is necessarily so much otherwise engaged, as it must have been at the time in question, when we had been in action with the enemy, and still continued in sight of them for further engagement. A man must be little accustomed to naval engagements, who in such critical and busy moments expects great accuracy in marking either the rates of a ship's sailing, or any other particulars; and what commander of a ship would be safe, if his life and honour were to be decided upon by such an uncertain and fallible test? Former courts-martial have been so aware of this, that, though it is usual to call for log-books to inspect them, they are not in strictness considered as evidence; and so Admiral Byng was told at his trial. But notwithstanding log-books should for the present purpose be received as admissible evidence, the danger of being much influenced by their contents will be the same; and in the particular instance of the Victory's log, besides the *general objection, many special reasons* occur to dissuade relying upon it. None have pretended, that her log was hove, so that the rate of sailing is mere guess. The log describes the Victory to have laid to in the afternoon of the 27th from one o'clock till four; during which important hours, nei-

ther the rate of sailing nor the course is marked. But the master, and other officers of the Victory, at the trial of Admiral Keppel, and now, acknowledge that she did not once lie to in any part of that afternoon; and this fact is also acknowledged by Admiral Campbell. The Victory's log makes the second time of hoisting the signal, for ships to windward to bear down into the admiral's wake, *half an hour after four.* But though exactness as to the time of hoisting this signal the second time, is of great consequence to a proper understanding of the transactions of the day, yet the time is grossly misstated; for it has been proved by the written minutes taken on board the Arethusa, and the concurrent testimony of Captain Marshal, and his purser, that the real time was *thirteen minutes after six.* Again, the Victory's log mentions that the signals for the Prince George and Bienfaisant to chase the three French ships, were made at four in the morning of the 28th, and that they were called in at nine, which supposes them to have been chasing *five hours.* But it is notorious from the evidence at the late trial, and it appears from Captain Macbride's evidence on the present one, that these two ships were called in *within half an hour* after the signal for chasing was made. These errors and falsifications, whether innocently introduced or not, are sufficient to destroy the credit of the Victory's log-book. But there is yet a great deal more to impeach its authority as to the rate of sailing. Though the Victory's log marks the rate to have been uniformly two knots from four o'clock till ten at night, yet Admiral Campbell impliedly admitted that the rate was something greater, when he said

he did not believe that the Victory went above three or three and a half knots any part of the time. This shows, that he considers her rate of sailing as *under-marked.* The log of the Foudroyant, which ship the captain proves to have been in her station *next astern of the admiral* from three in the afternoon, nearly corresponds with the Formidable's log, as to rate of sailing; and, therefore, if the Foudroyant's is not over-marked, the Victory must be under-marked. The master of the Victory and others represent the weather in the afternoon of the 27th to have been *squally* and unsettled, though not blowing hard. But is it likely, that the Victory, *under so much sail* as she is described to have had set, and during the hours she was going *two points from the wind*, should not go more than *two knots* an hour? At seven the Victory hauled her wind, and kept close to it all night, and till eight carried the same sail as when going from the wind. But still her log allows two knots an hour, *as if she went as fast with much less sail by a wind, as when she was going with more sail from the wind.* All this shows, how unsafe it is to trust to the rate of sailing marked in the Victory's log-book. But I do not mean to have it understood, that the Victory's log is the only inaccurate one. Probably the rate of sailing in the Formidable's log was marked with equal incorrectness; and if we suppose her log to have been as much *over-marked* as the Victory appears to have been *under-marked*, this, with the circumstance of the Formidable's bad steering from want of headsail, will account for the difference between the two logs, and reconcile the admiral's outsailing me. At the same time, I do not

found any argument in my favour on so uncertain a basis, as an entry of the rate of sailing made on guess and random calculation, in the hurry after an engagement. My view is to resist any argument on *either* side from so dangerous a source, and to draw the attention of the court to the strong evidence of the *correspondent course* of the Victory and Formidable, and *that unerring test, the fact of the admiral's increasing the distance, notwithstanding my steering the same course, and carrying all the sail in my power.*

" The next article which I conceive to be intended as a charge against me, after the signal for the line, and that for bearing down into the admiral's wake, the first time of hoisting, is the latter signal, the second time it was made. Mr. Keppel, in his defence on the late trial, says, that this last signal was made *a quarter before five.* His log made the time *half an hour after four;* and Mr. More, who assisted the admiral's secretary, spoke on the late trial *to the same time as the log.* Mr. Campbell is *still more early* in point of time, he having in effect said, that the blue flag was hoisted again *within a few minutes after being hauled down,* which makes the second time of hoisting the blue flag to have been *before four.* But *all these representations are now proved to be contrary to the real truth:* each being very remote from it, but Mr. Campbell's *most extravagantly* so. For fixing this point beyond a doubt, I am obliged to Captain Marshal, his purser, and the mate of the Arethusa, examined at the late trial; all of whom swear to the blue flag's not being hoisted the second time, till *thirteen minutes after six,* and found themselves on the *written minutes taken*

at the time; Captain Marshal, when asked the question upon oath, *whether the blue flag was flying between thirty minutes after three and thirteen minutes after six,* adding an answer in the *negative.* This also is *a very operative detection of the false statement of time by the admiral and his officers.* It relates to a *very material signal,* it being *the first made for coming into the admiral's wake, which could have the least application to me;* and as it was the first signal or notice for enforcing my compliance with the signal for a line, it demonstrates, that even the admiral himself did not expect me or my division to be in a condition to get into our station *till after six.* That he did not look for me or my ships sooner is also apparent, from his filling my station with the Red division, till more than half an hour after five: even Sir Robert Harland's captain having informed the court, that it was not till that time, that Sir Robert received the message for quitting the rear and re-occupying his proper station. Whether the position of the Vice of the Red's division, whilst in the rear, was or was not such as absolutely to exclude my division, till the former had left it, is a nicety scarce worth contending with Mr. Keppel; because its being occupied by Sir Robert Harland is not the reason I give for being to windward and astern of my station; but I only advert to the fact to corroborate, what I infer from the late hour of the first enforcing signal for calling me into the line. In respect to my conduct on seeing the signal for coming into the admiral's wake, I obeyed it to the extent of my power. I repeated it, and I continued those efforts for fetching the length of my station; in which I had been so assi-

duous before, that there was no room for further exertions. The former will be proved by my officers, and is indeed allowed by the witnesses against me. What the impediments were, which prevented the latter, particularly our inability to set the foretopsail till between seven and eight, I have already explained at large.

" In less than half an hour after the second time of hoisting the blue flag or signal for bearing down into the admiral's wake, the pendants of particular ships of my division were added to the blue flag. These pendants were repeated on board Captain Marshal's ship at *thirty-six minutes after six;* and immediately on being seen, they were repeated on board the Formidable. Had the admiral thought the ships of my division in a condition to come into their station in the line *sooner*, why did he delay hoisting their pendants *till so late an hour?* It is also observable, that *the pendant of the Formidable was not amongst those hoisted.*

" Next comes the message to me from the admiral by Captain Windsor in the Fox; and as my enemies have made the supposed disobedience of it so frequent a topic of accusation, it is necessary, that I should consider the circumstances relative to it in a very particular manner; in doing which I must be deluded by the most unaccountable misapprehension and error, if I am not able to *falsify the story about this message almost from beginning to end.* To examine all its parts with the minuteness, which is requisite to disappoint the unwarrantable inferences from it, I beg the atten-

tion of the court to the *time of sending the message*, the *time of its being delivered*, and the *words* of it.

" Admiral Keppel in his defence on the late trial, asserts, that he *sent the message at five o'clock.* Captain Windsor, who carried it, and other witnesses, have sworn *even to an earlier time.* But they are *all falsified* by the concurrent testimony of Captain Marshal, Mr. Graham, his purser, Mr. Cawsey, mate of the Arethusa, and the *written minutes of the purser taken when the signals were repeated;*—evidence which Mr. Keppel himself cannot controvert with any grace, after the great encomiums he has so justly passed upon the extraordinary accuracy of Captain Marshal in repeating signals. If Captain Marshal, his two officers, and the minutes in writing taken by his direction at the time, are to be depended upon, more than other witnesses *speaking from their mere recollection,* the signal for the Fox to come within hail of the Victory to *receive* the message, was not made till *thirty-two minutes after five*, that is, *above half an hour* after it is represented by Mr .Keppel, his officers, and Captain Windsor, to *have been delivered.* If Captain Marshal, whose station was *three miles to windward of the Victory's beam* is to be credited, Captain Windsor could not have less than that distance to go before he could come within hail of the Victory to receive the message, and must have been *half an hour in going to her;* and the written minutes taken under the direction of Captain Marshal prove, that Captain Windsor did not arrive within hail of the Victory in less than half an hour; for they take notice, that the signal for the

Fox was hauled down at three minutes after six. These facts together demonstrate, that the time of Admiral Keppel's sending the message was, *not at five* or *a little before,* but *a little after six.*——Mr. Keppel, *speaking on his oath,* has said, that he called the frigate, which carried the orders to Sir Robert Harland to go to his proper station in the van, and which was the Milford, at the same time that he called the Fox to carry the message to me. This leads to fixing *five* as the hour of sending the message by the Fox. But Admiral Keppel is most directly contradicted by Captain Marshal and his purser also speaking on oath, and their written minutes; according to which the Milford's signal was made ten minutes before four, and hauled in thirty-three minutes after four; but the Fox's signal was not made till thirty-two minutes after five, and not hauled in till *three* minutes after *six.* In other words, instead of Mr. Keppel's sending these two frigates at or about the same time, there was a difference *of an hour and a half* between despatching them. This striking error in *antedating* the despatch of the message by the Fox *one hour and a half,* may, as I can plainly see, be convenient to the plan of my destruction. But how it is otherwise to be accounted for, is the business of Mr. Keppel to explain. I hope, for his own sake, that he confounded the Proserpine's signal with the Milford's. The Proserpine's was hoisted twenty-two minutes after five, and hauled in two minutes after six; as appears from the same written minutes taken on board the repeating frigate. This brings the Proserpine and Fox within hail of the Victory one minute after each other. But unfortunately

for Mr. Keppel, the Milford, and not the Proserpine, was the frigate sent with the orders to Sir Robert Harland; nor can Mr. Keppel avail himself of the apology I have thus created for him, *without sacrificing the credit* of Captain Windsor, Captain Berkeley, Lieutenant Bertie, and those officers of the Victory, particularly Admiral Campbell and Mr. Rogers, who have as positively fixed sending the Fox at a so much earlier time in the afternoon; nor without acknowledging the truth and accuracy of the officers of the Formidable.

"The time of *delivering* the message sent by the Fox, is falsified in the same extraordinary way, as the time of *sending* it. Captain Windsor, who carried the message, swore at the late trial, that he came within hail of the Formidable, and delivered the message to me *nearly about half an hour after five;* and being questioned at the present one to the same point, he repeated the same words. But the court is in possession of that which abundantly proves, that Captain Windsor is still grossly erroneous in speaking of time. It is already shown, that he did not *receive* the message *till after six;* and he allows he was half an hour in getting to the Formidable, which, without more, renders his delivery of the message to me at *about half an hour after five* impossible. But other circumstances concur to disprove the evidence of Captain Windsor in a still greater extent. He allows himself only *half an hour* to carry the message. But the Formidable is proved to have been three points on the Victory's weather-quarter, and *three miles distant;* and Captain Windsor acknowledges, that to fetch the Formidable, he

made a *circuit, going to leeward of all the ships of the centre division, which were formed astern of the Victory, and was forced to change his tack.* All this so increased the space he had to traverse, that, though he went *six* or *seven* knots as he calculates, it must have required considerably *more than an hour* before he could reach me. This postpones the time of delivering the message till *between seven* and *eight* in the evening, and corresponds with the account of my officers; who are all positive, that the Fox did not come within hail of the Formidable till near or about *sunset*, which on the 27th of July, and in the latitude of Ushant, where we then were, is a *a little after half-past seven.* Other corroborating proofs that this was the time I received the message, are, that we had repeated the blue flag the second time of its being hoisted, which was at *thirteen minutes after six;* and that we had also repeated the pendants of particular ships of my division, which, by Captain Marshal and the written minutes taken on board his ship, were not hoisted *till thirty-six minutes after six*, a considerable time before the Fox hailed us. It is further ascertained by the circumstance of our not being able to bend our foretopsail till a little before *eight;* in doing which, both Captain Windsor and Lieutenant Bertie observed us to be employed, whilst the Fox was near the Formidable. Thus from the evidence of Captain Marshal, whose most justly distinguished accuracy as a repeater of signals the court has heard such warm encomiums upon; from the written minutes taken on board his ship at the time; and from a combination of circumstances, not gleaned

without great labour and difficulty out of the great mass of evidence on the late and present trial; the result is, that a message sworn to have been delivered to me at *half-past five*, was not really delivered till *half-past seven.* How material the error of two hours in stating this message is, will strike every one who hears me, when it is recollected what an influence time has on the supposed import of the message. If the message was delivered at *half an hour after five*, it might not have been too late to re-engage, had such been the admiral's intention, and other circumstances independent of time did not obstruct him. But at a *quarter of an hour after seven* in the evening, that is, *a quarter of an hour before the message reached me*, it is confessed by Mr. Campbell to have been so late, that the admiral had then given up all thoughts of re-engaging.

" There is almost as great a disagreement about the words of the message, as about the times of its being sent and received. According to Captain Windsor, Lieutenant Bertie, and the officers of the Victory, the message delivered to me imported, not only that the admiral *wanted the ships of my division* to come down into his wake; but further, that it extended to *me* as well as the ships of my division, and that he *waited for me to renew the action.* The *first part* of the message I acknowledge receiving. But I deny that the message, repeated to me, mentioned either *me*, or the waiting *for me to re-engage;* and the few on board my ship, who were present when it was delivered, agreed with me in their account of it; for they say, that it was simply confined to the admiral's wanting the ships of my division.

" On this contrariety of evidence about the words

and import of the message, it is the office of the court to decide, who are best entitled to belief, and which of the two representations carries with it most appearance of probability.

"But it may not be improper to submit to the court some few considerations, against yielding to the seeming weight of evidence, for the terms of the message, as it is stated against me.

"The witnesses, who have spoken so positively to mentioning, that the admiral waited for me to re-engage, *stand convicted of the grossest errors* in their relation both of the times of receiving the message, and of the time of delivering it; in the former more than *one hour*, in the latter, more than *two hours*. They own too, that they speak the words *entirely from memory*, never having committed them to writing. But how can the court safely trust to the *frail* memory of persons thus exceedingly erroneous, as to the *time* of the message, for the *words* of it, in preference to those, against whose testimony no such objection lies?

"The admiral *was not waiting for me;* nor had he been waiting any part of the afternoon; but, as Admiral Keppel acknowledges, the Victory had been the whole afternoon under the same sail, which was more than the Formidable could carry, till her foretopsail was bent, which was not till about eight o'clock. How improbable it is, that Admiral Keppel should send a message to tell me that he was waiting for me, when he was not waiting! As it has been asserted, that he had been waiting for me and my division the whole afternoon to re-engage, and so early as half an hour after four was become *wearied* with fruitless expectations,

what was the reason, that no enforcing signal was made either for me or my division, till thirteen minutes after six? Why were the signals for particular ships of my division postponed till thirty-six minutes after six? As I judged, it would have been unreasonable to expect, that my division, which had suffered so particularly in the action, and were latest out of it, should be fit to take their stations in the line sooner; and from his conduct in not making their particular signals till more than half an hour after six, it seems as if the admiral was of the same opinion. If the admiral was dissatisfied with not seeing these last signals immediately complied with, why did he not express his disappointment by going a step further, and making signals for them to make more sail? In respect to my ship, the *particular signal for it was never made.* But if my being out of the line was so unaccountable to him at half an hour after four, why did he omit to make my particular signal *two hours after*, when he called in the ships of my division? If he was so impatient to re-engage, and I was the obstacle, would not making my particular signal have been a more expeditious way of informing me, than sending a message which took up more than an hour in carrying? If he meant to be delicate, as he professes, would not the *silent* and *disguised* censure of a strong signal have been equally expressive, yet more delicate than the *harsh* and *coarse* language of a *trimming* message? If the object of the message to me was to renew the engagement, why was he so long before he sent it, that it could not reach me till considerably after the latest time in the evening fixed by himself and his friends for another action?

"Other circumstances which operate against the idea of an intention to re-engage in the afternoon of the 27th, and consequently against a message to that effect, might be enlarged upon; such as suffering the van division to occupy my post next the enemy till after five; the late hour of the Red division's resuming their proper station in the van; the improbability of meaning to renew the engagement with my disabled, unrefitted, and still dispersed division, instead of Sir Robert Harland's fresh and collected ships; and the incomplete forming of the centre division even after six. But it would be almost endless to pursue these topics; and therefore I hasten to a more decisive indication of the designed import of the message, I mean, Admiral Keppel's own comment.

"In Admiral Keppel's public letter about the engagement, he declares that he allowed the French to reform their line in the afternoon of the 27th, with an expectation that they would try their force with us the *next morning*. Is not this language an avowal by Mr. Keppel, that the next morning was the time he had in view for re-engaging? The log-book of the Victory is of the same tendency; for it takes notice of *preparing to renew the engagement at daylight the next morning;* but is without one syllable about renewing the action the preceding afternoon. When it was first inserted in the public prints, that the message to me was to signify that the admiral waited for me and my division to renew the action, I appealed to Mr. Keppel to protect me against so cruel a misrepresentation; asking him whether it was possible, that he ever should send me such a message; and though he de-

clined doing me the full justice I expected, yet he would not say that he had sent such a message, but replied in these *remarkable* terms, *I am told that such words were used.* But if he had been convinced, that such was the message, would he have hesitated avowing it, would he have referred to the report of other persons? His language *upon oath* is of the same undecided, ambiguous kind. *He will not say that he sent that message. He cannot trust to his own remembrance of it. He cannot exactly recollect the words.* He leaves the *labour* and *hazard* of recollection to his own officers; particularly to Admiral Campbell, whose ill offices I have experienced in a great variety of instances. But whatever the terms of the message were, whether it was for my division to come into their stations, or whether it was that the admiral waited for me and my division to renew the engagement, I trust, that I shall be found to have done all that could be expected at the very late hour I received it. Whatever might be the admiral's intention, when he sent the message to me, it did not come to me till after that time was passed, at which Rear-admiral Campbell confesses, that the admiral had relinquished every idea of a further engagement till the next day. Convinced that a night engagement was not the object of the admiral, it only remained for me to continue my efforts for completing the repairs of the rigging, more especially in setting my foretopsail; in which I was so successful, as to get into my station in the line, and to be quite ready for action again before daylight in the morning.

"As to sending a *message* to inform the admiral of my inability to get the length of my station, making a

signal of distress, or *shifting my flag*, they did not strike me at the time as either necessary or applicable to the circumstances under which I acted; nor do I yet know of any reason, which, on a review of my situation the evening of the day of the engagement, should induce to such an opinion. But I have already expended so much time in my observations on the subject of the message, that I find myself forced to postpone the particular reasons, which may evince the propriety of my not adopting either of those measures, till the close of the examination of my witnesses, when I hope to be indulged by the court with a hearing of such further remarks, as shall then appear necessary for my final justification.

"After the message, I know of only two other articles hinted at against me, which require the least notice; and in respect to them very few words will be necessary.

"One is, that I did not carry my distinguishing lights the evening of the 27th. But my witnesses, particularly some whose business it was to attend the lights, will prove the fact of my carrying all of them. When this matter was first questioned, I really thought it probable that the toplight was not kept burning; because I recollect being told of some difficulty about it from a wound the lantern had received in the action, and that I observed it was of no great consequence. But I gave no orders to countermand any of the lights; and always took for granted, that my stern light was kept burning the whole night.

"The remaining article relates to the situation of my ship at daybreak the morning of the 28th. Sir Charles Douglas, from an observation he made at the

dawn of day, conceives that he then saw my ship greatly ahead of my station in the line. But though I have not the least doubt, that he says what he believes to be the truth, yet I am persuaded, he must have mistaken some other ship for mine. In the course of the trial I shall examine some witnesses to prove that I really was *astern of the admiral* at the time, when it is supposed that I had got *ahead of him.*

"I now draw near to a conclusion for the present, having only to remind the court in what light Admiral Keppel viewed my behaviour on the two days, to which the court's inquiries are limited, before the commencement of those differences, from which the present trial originates.

"The day but one after the action I visited the admiral on board the Victory. He received me with his usual marks of regard, friendship, and confidence, without the most distant hint of being dissatisfied with the least part of my conduct. On the contrary, he communicated to me the draft of a letter he intended to send to the Admiralty, either the same or one very little different from that afterwards published in the Gazette. He discoursed with me on several parts of the letter; and when he came to the part in which he praises Sir Robert Harland and me by name for *our spirited behaviour*, he said, that he thought it best to mention it in a general way without particularizing; and this came from him in such a manner, that I thought he alluded to my ship's having been so much more engaged, and having suffered so much more than Sir Robert Harland's. Is it possible, that Admiral Keppel should be capable of *so much dupli-*

city, as to have thus commended me in a public letter in the same ample manner as Sir Robert Harland, and to have thus communicated with me on the subject of it, if he had then entertained the least ill opinion of any part of my conduct? In this court Mr. Keppel, being on his oath, endeavoured to *qualify* his commendation of me by narrowing it to my behaviour in *time of action*, and *spoke as if his letter was so expressed.* But the *letter itself contains no such qualification;* and I did not wonder to see him *under embarrassment*, when he *so disingenuously endeavoured to control the effect of his open praise, by having recourse to secret and mental reservation.* Soon after we arrived at Plymouth, Mr. Keppel received a letter from the secretary of the Admiralty, which contained his Majesty's approbation of my conduct repeated in Mr. Keppel's own words, and expressed to be founded upon his representation. This letter was also shown to me by Admiral Keppel. Before we left Plymouth for the second cruise, he wrote a second letter to the Admiralty, in which he once more includes me in the praise and commendation of the officers under him.

"After such *unqualified* and *deliberate* acts of approbation of my conduct on the 27th of last July from Mr. Keppel, as I have here enumerated, it will be difficult for him to account for his *present censures* of my conduct on the *same* day, without either fixing on himself a *charge of the greatest duplicity*, or of suffering his evidence on oath to be influenced by the spirit of *anger* and *revenge.*

"Here, gentlemen, I close my defence for the present, surrendering both my life and honour into the

hands of the court, with a full assurance that I shall meet with the same protection from you as each would expect from his brother officers in a like situation; and that you will not allow truth and innocence to be made a sacrifice to the *clamour* and *noise* of *party*, or to the *prejudiced* testimony of persons *avowedly* acting from the dictates of *private malice*.

"Gentlemen, I will detain you with only one sentence more. My mind sees no *medium* between *life with entire honour*, and *death without;* and I ardently wish that your judgment, be what it will, may be directed by the *same alternative*.

Evidence for the Defence

Captain Bazeley was again called in.

Q. "How near was the nearest of our ships to the Formidable ahead and astern at the time of our going into action."

A. "The nearest ship ahead, a good half mile, and the ship next astern a mile, to the best of my judgment and recollection."

Q. "After the Formidable was wore in the rear of the enemy, were there any preparations for renewing the action on board the Formidable?"

A. "Officers and ship's company were immediately ordered to quarters."

Q. "How near were we at the time to the enemy?"

A. "About random shot."

Q. "Were there any shots fired at the Formidable at that time?"

A. "After the helm was a weather, and the ship in

the act of wearing, two or three shots were fired at her from the sternmost ship of the enemy's rear."

Q. "From the circumstances you described relative to the Formidable when examined by the court the other day, I would now ask you under these circumstances whatever messages might have been sent to the Formidable, or whatever signals were made, was it possible for the Formidable to have got into her station in the line?"

A. "It was impossible, unless the admiral had shortened sail to give us that opportunity."

Q. "Was it safe to have set more sail upon the foremast sooner than it was done?"

A. "By no means safe in any respect whatever."

Q. "Were any of the lieutenants of the Formidable so ill as to be unable to come upon deck on the 27th of July."

A. "The fifth and sixth lieutenants were so ill as not to be able to go to quarters, the second lieutenant was wounded in action, and the boatswain was killed. The loss of the assistance of three lieutenants and the boatswain retarded the refitting of the ship, and that very sensibly, having but very few petty officers in the ship that ever were in the service before, and no man in the ship that knew where any part of the boatswain's stores were stowed."

Q. "Did the men on board the Formidable behave with great spirit and good order?"

A. "Every praise is due from me to the officers and seamen in the Formidable for their spirited behaviour in action, and their attention to their duty in re-

fitting the ship, without having one single moment to refresh themselves, till after the ship was refitted at ten o'clock at night."

Q. "Did I express any anxiety during the afternoon and the night for getting the ship refitted, and getting up with the admiral?"

A. "Very anxious both in the afternoon and in the night, and to my knowledge, till after ten o'clock, the vice-admiral was never off the deck for fifteen minutes, from after the time the fleet tacked together at ten o'clock in the morning till ten o'clock at night. I never left the deck myself, therefore I can speak to it positively."

Q. "Did I desire you to go upon the forecastle yourself in the afternoon, and why?"

A. "I received the vice-admiral's orders to go forwards on the forecastle to attend the refitting of the fore part of the ship, and he said he would undertake himself, assisted by two lieutenants, to attend to the rigging and other matters that wanted refitting about the main and mizen masts. At times I went aft from the forecastle to the quarterdeck."

Captain James Kinneer late first lieutenant of the Formidable, corroborated Captain Bazeley's evidence: he stated "that after passing the enemy's line, the Formidable wore, and that the sternmost of the enemy's ships fired upon the Formidable while she was wearing, that the officers and men were ordered to their quarters in expectation of going again into action, and that three ships drew out of the French fleet and pointed towards the Formidable."

Daniel Guerin, midshipman of the Formidable, stated, "I remember the Fox frigate coming under the Formidable's stern near sunset, and heard Captain Windsor say that Admiral Keppel desired Sir Hugh Palliser's division to bear down into his wake, and I heard Sir Hugh answer, 'Very well, very well; I have made the signal for that purpose.' I was close to Sir Hugh Palliser in the upper stern gallery."

William Rhodes, captain's clerk of the Formidable, said, "I remember the Fox coming under the Formidable's stern in the evening of the 27th of July as the sun was going down. I was on the quarterdeck, and stepped into the captain's cabin to attend to the message, supposing he had one to deliver. The captain of the Fox said, 'it was the admiral's desire that the ships of your division should bear down into his wake;' the word was desire and not order. You answered 'very well, very well, I have repeated the signal for that purpose.' You were standing at that time in the captain's stern gallery—the upper stern gallery."

The court asked, "Did you hear the vice-admiral return any other answer or message to the Fox than you have already related?"

"I heard no other message but what I have related: it was very well, very well, and that he had repeated the signal for that purpose. I further recollect that it struck me at the time that several of the ships had bore down before the message was delivered, as I noticed on the quarterdeck."

The reading of Admiral Keppel's despatch, giving an account of the action of the 27th of July, and com-

mending the spirited conduct of Vice-admiral Sir Hugh Palliser, closed the defence; when the following additional observations were delivered by the prisoner.

"Mr. President, and Gentlemen of the Court,

"The examination of my witnesses being now concluded, I entreat that the court will permit me to add, to the defence I have already offered, some considerations, which either have not yet been submitted to your attention, or have not been enforced so fully as their importance may require. I feel, how much I have already exercised the patience of the court; and therefore I am extremely averse to intruding any further matter upon them. But I have so much at stake on the issue of this trial, and the activity of my enemies has been so conspicuously exerted to fix blame upon me, even where I deemed my innocence most invulnerable, that should I, from a dangerous excess of confidence, pass over any points, however immaterial they may sometimes have appeared to me, which my enemies have essayed to strain into importance, my silence might be misunderstood, and a conviction of the obviousness of the subject might be suspected to proceed from a dread of investigation.

"Many questions have been asked about the practicability of my shifting my flag; and it is to the honour of the court, that thay have been so assiduous in examining to a point, on which my enemies have so often laboured to ground a censure of me. In my last address to the court I only spoke generally to this head.

But I will now open my mind upon it with particularity.

"The imputation for not shifting my flag refers to the twenty-fifth article of the fighting instructions, the words of which are, that 'if any flag ship be disabled, the flag *may* go on board any ship of his own squadron or division.'

"By this instruction it is clearly *optional* in the flag officer to shift his flag or not, according to circumstances; and in my situation the afternoon and evening of the day of action, so foreign and inapplicable did the instruction appear to me, that I own, nothing could be more distant from my thoughts at the time, than the idea of shifting my flag; for which I submit to the court's better judgment the following reasons.

"The battle was over and the signal for battle hauled down; the immediate renewal of the action by the admiral, when I had wore close to the enemy, having been declined, for prudential reasons, the propriety of which I have no right here to call in question.—We were not pursuing an enemy, nor steering towards one. But the admiral, as he describes his own motion in respect to the French, had wore and laid his stern to them. On first describing this manœuvre, which the admiral stated to have been for collecting the ships, he styled it an appearance to run away. But recollecting himself, he afterwards, on the judge advocate's reading these latter words, well observed, that it was better to omit them in the minutes; and his wishes were complied with.—The *enemy* was *not coming to attack us*, but was forming to leeward of our fleet.—I knew, that my ship would be refitted and

ready for action by *daylight next morning;* and every motion of the admiral indicated to me, that he did not intend to re-attack before the morning. My reasons for this opinion were many, and are already before the court. In substance they are, the Red division's leaving the rear between five and six; the uncollected and unrefitted state of my division at that time and during the rest of the afternoon till night; the incomplete forming of the centre division; the distance of the French fleet from us; the late hour of the Red division's getting into their station ahead; and the admiral's never shortening sail, till eight o'clock in the evening, to give the Formidable and Vengeance, and other crippled ships, the opportunity of collecting and gaining the length of their stations in the line. These circumstances, it should also be recollected, received the strongest confirmation from the admiral's public letter, and the *Victory's log-book.* Besides, to the shifting of my flag many things would have been essential. I must have shortened sail, and laid to, which would have thrown me at a much greater distance from my station. We must have new-reeved all the tackle-falls, and repaired all the gear necessary for hoisting our boats; which would have retarded the work going on for setting more sail. The ship, to which I should have shifted my flag must also have laid to, and this would have kept her more astern and out of her station. The moving from one ship to the other, with my signal colours, necessaries, and attendants, is an operation, which would have required, as I conceive, some considerable time.

" All this being considered, shifting my flag might have produced great inconveniences, by increasing the

Formidable's distance from her station, and also keeping another ship out of it. But I know of no good purpose, which could have been answered. Nor do I conceive, that our naval history will furnish an instance of a flag-officer's shifting his flag under such circumstances.

"As to the signal for the line's being out, it is far from necessarily proving an intention of immediate renewal of the action. The inference in this respect from a line depends on circumstances. If the admiral had been standing with his fleet towards the enemy, I agree that the indication would have been strong indeed; and, as in that case I certainly should have concluded, that his object was to hasten on an engagement before night; so, without doubt, I should have been forward to insure my having a proper share of the glory of a second action, either by endeavouring to bear down to engage the first ship of the enemy I could have fetched, or by shifting my flag; of which measures I should have preferred the one, which would have been likely to bring me into action soonest and most effectually. This assertion, I expect, the more credit in; because it is in proof, that, early in the afternoon of the day of action, though my ship came last out of the engagement, and was the most damaged, yet I wore so instantly, and so closely to the enemy, that my ship was nearer to the French fleet to renew the fight, than the Victory or any other ship of our fleet. But the admiral was not standing towards the enemy. He had put his stern to them; and there were all the other indications I have already described to show, that the line was forming, not for an immediate renewal of

the fight, but to collect all the ships for action early the next morning. And here I beg leave to take notice of a circumstance, which corroborates my idea of the admiral's intention. At the late trial I proposed it as a question to a witness; whether, from the motions of the admiral, and his public letter, the witness did not infer, that there was no intention to re-engage till next day. The admiral strenuously resisted the putting such a question; and the court over-ruled it. This circumstance will be found in page 33 of the trial printed by authority. But I do ask, whether any thing could more evince the admiral's consciousness of the sense conveyed by his own words, than such a dread to hear the construction of them?

"In the course of the trial, it has been asked, whether I made any signal of distress. The twenty-second article of the fighting instructions explains what this signal is; and then the twenty-third article points out how other ships are to act, when such a signal is made by flag-ships, and it is thus expressed: 'If the admiral or any flag-ship should be in distress and make the usual signal, the ships of the fleet are to endeavour to get as close up into a line *between him and the enemy* as they can, having always an eye to defend him, if the enemy should come to annoy him in that condition.' But taking these two articles together, I submit to the court, that they are only applicable to flag and other ships, which meet with some material disaster during battle, and when hard pressed by the enemy; as is plain from the terms, which suppose, either an enemy to be actually attacking, or to be at least advancing for the purpose. The situation of the Formidable was not of this kind;

for, though she was so much astern, and to windward of her station, she was far from being within the meaning of the signal, the enemy not making the least attempt to annoy her after she had joined the Victory, but on the contrary being more to leeward of the Formidable than the body of our own fleet.

"In respect to sending a frigate to the admiral, to inform him of our not being able to keep up with him, I had no frigate to send till about eight o'clock, as must appear to the court from the evidence of Sir William Burnaby; which shows, that early in the afternoon the Milford, being the frigate belonging to my division, was called to the Victory by signal, and was employed by the admiral. But if she had not been so employed, I know not for what purpose I should have sent her to the admiral; for I concluded, that the condition of the Formidable was so apparent as to make a message unnecessary; especially as *he omitted to throw out my ship's pendant* with the pendants of the ships of my division.

"I shall now take a short notice of some few other things, as they severally occur to me.

"I had brought to the remembrance of the court many striking acts of approbation of my conduct by the admiral, for the sake of contrasting them with the criminating tendency of his evidence to this court. There wanted nothing more to expose such inconsistency; nor did I look for more. But chance has thrown other matter in my way. Sir William Burnaby's account of the admiral's sending his compliments to me, and of the conversation about me the day after the engagement, is a new proof, how well satisfied he

was with my conduct at that time. If he had thought me disobedient, would he have been so eager in sending his compliments to me, or so ready to exclaim with a sort of feeling for me, that I had received more damage than any of the fleet?

"It gave me singular satisfaction to see, how clearly the proofs of my having my distinguishing lights burning in the night after the action came out at last. The two men, who had the care of the lights, swore with so much particularity and so convincingly, that, all doubts apparently vanished in the minds of those who heard their evidence. My obligation to the honest simplicity of these men is very great; because by confirming the less positive testimony of other witnesses, it takes from my enemies a topic of abuse, which was so long slighted by me, and so industriously circulated to mislead the public opinion concerning me, that it had at length grown into a serious accusation.

"I am also glad that it has been in my power to produce positive testimony of the repetition of the signals; particularly the signal for the line, whilst I was within my station. Very impartial persons have, I believe, entertained a doubt on this head. But I flatter myself that it is entirely removed. I was myself quite certain that the signals were repeated; because I was particularly observant of signals the whole day; and if I thought, that the fact was still doubted, I should be induced to call a witness, who could speak very positively to the point of signals, but stands in such a relation to me, and has been so constantly attendant on me in court, that I am not willing to call him, unless there is an absolute necessity.

" The dangerous state of the foremast of the Formidable, which was the great impediment to our carrying sufficient sail to keep up with the admiral, is a point of great importance to the clearing my character from the imputation of not using my utmost endeavours to preserve my station. I was therefore very anxious to give the court the fullest explanation on this head; and though the carpenter spoke confusedly, in respect to the time when he first knew of the rottenness of the mast, yet my captain and the lieutenant, who attended on the forecastle, have given such ample testimony of our having known of the rottenness of the mast at the time, that I trust the fact cannot be doubted by any unprejudiced person. I well remember being informed of the condition of the mast, and the anxiety I was under from the consequential delay in bending our foretopsail.

" On the trial of Admiral Keppel, much animadversion was made on log-books. But in the course of the present, it has appeared, how very little dependence is to be had upon entries in them, of transactions in the time of actual engagement, or during the busy moments of preparing for further action. If I was disposed to retaliate on those, who have heretofore made such such ill-natured remarks on the log-books of particular ships, the logs of Admiral Keppel's and Sir Robert Harland's ships, and the examinations of their several masters, furnish ample scope for the severity of animadversion. But it is not requisite for my defence to say more, than that I trust the court will not allow my innocence to be affected by such uncertain and contradictory records.

"In the course of Admiral Keppel's evidence, he took care to disclaim being an accuser, and to thank God that he was not so. But did the tenour of his evidence correspond with this declaration? Was not his evidence criminating in almost every part? Have not he and his friends all joined in the accusation of me? *Have they not sealed their accusation with their testimony upon oath?* Shall the open accusation of others, however *growing out of self-defence* never be forgiven; and a secret accusation, vainly attempted to be sustained by the accuser's oath, escape all censure? —It is not fit, that I should pursue the comparison further. Let the hearts of those who hear me feel the rest.

"It is now time to leave the court to their own judgment of the case before them. If I have omitted any thing material, their wisdom and humanity will supply it. If I am mistaken in any of my facts, or in my reasoning upon them, their candour will correct the error, without hastily imputing to me an intentional misrepresentation.

"Mr. President, and Gentlemen of the Court,

"To conclude, I flatter myself that, as at first, Admiral Keppel's commendation of me, procured me the approbation of my sovereign; so your honourable acquittal of me, *now*, will dissipate the cloud of prejudice, and restore me to the good opinion of my country."

The sentence of the court was as follows:

"At a court-martial assembled on board his Majesty's

ship the Sandwich, in Portsmouth Harbour, the 12th of April, 1779, pursuant to an order from the Lords Commissioners of the Admiralty, dated the 3d day of April, 1779, and directed to George Darby, Esq., Vice-admiral of the Blue, and second officer in the command of his Majesty's ships and vessels at Portsmouth and Spithead, and held by adjournment every day afterwards (Sundays excepted), till the 5th of May following, for the trial of Vice-admiral Sir Hugh Palliser, Bart., viz.:

"The order aforementioned having been accompanied with the original minutes of the proceedings of the court-martial lately held for the trial of the Honourable Augustus Keppel; and reciting that it appears by the said minutes that several matters were given in evidence at the said trial respecting the conduct and behaviour of Vice-admiral Sir Hugh Palliser on the 27th and 28th of July last, which demand strict examination: the court proceeded to examine witnesses touching the said several matters, and to try him for the same; and having maturely considered the whole—also what the prisoner has alleged in his defence, together with what has been given in upon evidence in support thereof—are of opinion that his conduct and behaviour on those days were in many respects highly exemplary and meritorious; at the same time cannot help thinking it was incumbent on him to have made known to his commander-in-chief the disabled state of the Formidable, which he might have done by the Fox at the time she joined him, or by other means. Notwithstanding his *omission in that particular*, the court are of opinion *he is not in any*

other respect chargeable with misconduct or misbehaviour on the days aforementioned, and therefore they acquit him, and he is hereby acquitted accordingly."

The president having received the vice-admiral's sword from the marshal, delivered it to him, addressing him in the following words:

"Sir Hugh Palliser, I feel the highest gratification in being authorised by this court to return your sword, which you have hitherto worn with so much professional reputation, and which I trust will soon be drawn again in the honourable defence of your country."

CHAPTER XII.

SIR HUGH PALLISER APPOINTED GOVERNOR OF GREENWICH HOSPITAL—HIS DEATH AND CHARACTER.

Palliser tenders his Services Afloat—Appointment to Greenwich Hospital—Returned for the Borough of Huntingdon—Proceedings in Parliament—Fox's Motion on the Subject of Palliser's Appointment—The Animosity of Fox and Burke—Their Attempts to run down and ruin Sir Hugh Palliser—Fox's unprincipled Public Conduct—Bentham's Character of Fox—His Motion on Palliser's Appointment—Replies of Lord North, Lord Mulgrave, and Commodore Johnson, to Mr. Fox's Attack on Palliser—Palliser's Address to the House—His Observations on the Ungenerous Conduct of Burke—Majority against Fox's Motion—Palliser retires from Public Life—The King's Attachment to Palliser—The Royal Family Palliser's frequent Guests at Greenwich—Palliser receives the Princess Caroline at his House on her Arrival, previous to her Marriage—The Death of Sir Hugh Palliser—His private and professional Character.

1779 TO 1796.

IT would appear from the following letters, that upon his acquittal, Sir Hugh Palliser tendered his services afloat, and that he experienced a very natural feeling of disappointment, when the administration, after this honourable triumph over the malicious designs of

their common enemies, did not at once, boldly and openly, mark their sense of his just merits, and of the infamy of the false and treacherous assailants of his character, by restoring him the offices of distinction and profit which he had nobly resigned, that the abandonment of his hard-won honours might allay the madness of the mistaken multitude, who in their blind delusion had plunged the metropolis into riot and confusion for several successive days.

Sir Hugh Palliser to Philip Stephens, Esq.

"Abbey, near Scarborough,
"30th June, 1779.

"Sir,

"I desire you will acquaint my Lords Commissioners of the Admiralty, that I think it my duty to offer to serve at this, and at any time, and anywhere their lordships' may please to command.

"I am, Sir,
"Yours, &c. &c.
"HUGH PALLISER."

Sir Hugh Palliser to the Earl of Sandwich.

"Pall Mall, August 13, 1779.

"My Lord,

"I have seen Lord North this morning, and repeated my request for continuing or being restored to the marines. His lordship received me civilly, but that was all. I could not draw one word from him in reply to my prayer, so that if his Majesty has no remains of

consideration for me on account of my past services and my present sufferings—and I have no advocate with his Majesty—I must submit to the most trying and mortifying treatment from friends as well as enemies, that ever man experienced; all proceeding from having done my duty well, justified myself against attacks, and brought before the public the true causes of the miscarriage of our fleet against an inferior force—the first instance of the kind—and which I am now convinced proceeded from motives that I could not suspect it possible to have existed in that quarter, until I distinguished myself on that occasion in action against the enemy, when deserted and left, I am now satisfied intentionally, in order to be sacrificed. I never suspected that I had an enemy; yet from that moment, strange but true it is, that I lost all my friends. The first instance, I believe, of an officer being degraded and suffering—especially in this country—for behaving in a distinguished manner in action, and I hope for the sake of his Majesty's service, that I shall be the last example of that disgraceful kind.

"I must endeavour to reconcile myself to my hard fate, and to forget every thing but your lordship's friendship and kindness to me, which time can never erase from the memory of,

"My Lord,
"Your lordship's most obedient and
"Most humble servant,
"HUGH PALLISER."

"After this unbiased testimony in favour of a brave man," observes Beatison in allusion to the sentence, "it

might have been reasonably expected that this disagreeable affair would have come to an end, and that the spirit of resentment would have dropped; but quite the reverse was the case. When Sir Charles Hardy, Governor of Greenwich Hospital died, his Majesty conferred this office upon Sir Hugh Palliser as a recompense for his services and the sacrifices he had made, and during the prorogation of parliament, a vacancy happening by death for the borough of Huntingdon, Sir Hugh was elected.

"He had not long taken his seat, when an attack was made upon the ministers for conferring on him the governorship of Greenwich Hospital, and Mr. Fox addressed the house in a speech of considerable length and bitterness, directed against the First Lord of the Admiralty, for the appointment of Sir Hugh to this office, who had been convicted, he said, of preferring a malicious and ill-founded charge against his superior officer. This speech was answered by Lord North. As soon as he sat down, Sir Hugh Palliser rose, and delivered one of the ablest performances that was ever heard within the walls of the House of Commons."*

Fox on the occasion referred to by the historian, as on other occasions when the unhappy events of Keppel's command, and his dispute with Palliser, became the subject of discussion, displayed in his rancour and false representations, that recklessness of moral principle when a favourite object of his ambition was to be achieved, or one exciting his antipathy to be

* "Beatison's Naval and Military History," vol iv., p. 438.

trampled upon, which darkened the many other noble features of his distinguished character. Partiality for his relative, Admiral Keppel, or zeal in the cause of his party, remembering even the latitude of questionable conduct which politicians assume in the encompassment of their ends, without being supposed to incur the responsibility of a sacrifice of honour, can scarcely justify the efforts of Fox to reach the goal of his anxieties—the destruction of the ministry—over the ruins of a tried and faithful officer's reputation. But the glitter of his practised eloquence, banded with the dazzling oratory of Burke,—his coadjutor in this and other scenes of political detraction, ere the days of Burke's apostacy from his principles and his party,—faded before the stern simplicity of truth on the lips of the honest, unflinching seaman, and in this infamous attempt to mislead the judgment of his hearers, and tarnish the reputation of a man, to whom honour was dearer than life, Fox was repulsed with the ignominy which justice-loving Britons are wont to cast upon the studied traducer, no matter how brilliant or deluding the diction in which his slander may be couched.

Perhaps the public character of Fox was never more faithfully portrayed, than in the few lines at the commencement of a letter from Jeremy Bentham to Sir James Mackintosh. The earnest philosopher writes to his friend then in India.

"Alas! while the propitiatory incense was lighting up, the idol—Fox—was no more. Peace be to his ashes!—My expectations of him were never sanguine. He was a consummate party leader; greedy of power, like my old friend Lord Lansdowne,—but, unlike him,

destitute of any fixed intellectual principles, such as would have been necessary to enable him to make, to any considerable extent, a beneficial use of it. He opposed the Grenville act; he opposed the Irish Union: Pitt, or any body else in power, might have made him oppose any thing by adopting it. I knew not where to find him—and if I understand right, no more did any body else. Like that of a lawyer, his wish was to see all waters troubled;—Why? as feeling himself, in so superior a degree, a master of the art of fishing in them. Since your leaving England, three opportunities of being made known to him presented themselves to me: two by relatives of his when he was in the zenith of his power, were often expressed or implied;—I closed with neither. Had he any thing to say to me, I would have heard it with the respect due to his character; having on my part nothing to say to him, I should have considered the time spent in his company as so much time thrown away. Dr. Parr, in his kindness, under the notion I suppose, of doing me a service, took pains to throw me in his way, or draw down upon me the light of his countenance. He seemed disappointed at observing me as indifferent to his living idols, as Shadrach and Meshech were to the golden one of Nebuchadnezzar. Had I seen any opening for entertaining any such expectations from him in respect of the cleansing of the Augean stable, as I should from you if you were in his place, I should have cried Lord! Lord! till he had been tired of hearing me."*

In the course of the discussion on the navy esti-

* "Bowring's Memoirs of Bentham."

mates, December 4, 1780, Mr. Fox rose, and asked how was the navy to be expected to flourish, when the person convicted of having preferred a false and malicious charge against his superior officer, and who was barely acquitted when tried by a court-martial, upon charges exhibited against him, was promoted to a post of distinction, of honour, and of profit; and here he begged leave to say he did not blame that person: it was the First Lord of the Admiralty who was to blame, who ought to be made the subject of that house's inquiry. What had been said formerly when the accusation was first preferred against his honourable relation Admiral Keppel, but that the accuser was the instrument—the Admiralty the principal? It was attempted to be denied on the part of the Admiralty; but what would men say, when the accuser, after being pronounced by the sentence of one court-martial, a false and malicious accuser, and being barely acquitted by the other, was rewarded with an office of high honour and great emolument? What had been the accuser's own sense of his conduct immediately after the first sentence was pronounced? Had he not resigned his seat at the Admiralty board? Mr. Fox concluded, after more observations and assertions, by saying, "that an inquiry into the appointment of Sir Hugh Palliser ought to be brought on as soon as possible."

Lord North said, "that as the honourable gentleman had suggested, whenever an inquiry into the conduct of the Admiralty was brought, either on the present grounds or on any other, he would not attempt to hurry it by taking refuge under any form of the house,

or by any shifting of the question whatever. With regard to the present threatened inquiry, the sooner it was brought on the better. The honourable gentleman had declared he rested his reasons for thinking an inquiry necessary in the present case, principally on the sentence of the court-martial which tried Admiral Keppel, and in which sentence, the person who preferred the charges against Mr. Keppel, was pronounced a false and malicious accuser. As the honourable gentleman meant to bring on an inquiry, he would not go into a very ample discussion of that point now; he would only say what he had before said more at large, and would say more at large again. The court was convened for the purpose of trying Mr. Keppel and not Sir Hugh Palliser; the court-martial had a regular charge submitted to their consideration and decision against the one; they had no charge whatever against the other. In pronouncing sentence, therefore, upon the motives of the accuser, they had exceeded the line of their duty, and had condemned a man unheard, who had no opportunity of entering upon his defence. He was ready to avow his share of the measure in appointing Sir Hugh Palliser to Greenwich Hospital, and to defend and support it in that house, or wherever it should happen to be agitated. The honourable gentleman had dwelt upon the sentence of the court-martial which tried Sir Hugh and termed it a bare acquittal. He saw the matter in a very different point of view, and he read the sentence with a widely different construction. If he understood the meaning of the word meritorious, according to its true acceptation, it was, that an officer whose conduct had been de-

clared, after a most strict inquiry into it, to have been highly meritorious, was an officer who deserved reward, and that exemplary conduct meant, such conduct as was an example to other officers, and a fit object of imitation.

"Under this, which appeared to him to be the true and natural reading of the sentence, Sir Hugh Palliser was undoubtedly an object of reward, and after his conduct had been declared highly meritorious and exemplary, the administration would have been criminally neglectful not to have given him reward." This his lordship emphatically declared, was his opinion of the case; he avowed fully, and was ready to stand or fall by it. "Let gentlemen," he said, "recollect the peculiar circumstances that made Sir Hugh Palliser's acquittal more than commonly honourable to him. Let them call to mind the art that was used to get the public in a flame against him previous to his trial, the great pains that were taken to run him down, to render him the object of universal indignation! Let gentlemen call to mind also, what was the language of even the other side of the house on the subject of his impending trial. A gentleman (Mr. Burke), of great eloquence, not at present in the house, exclaimed, 'Don't send Sir Hugh Palliser to his trial; for God's sake have mercy! Men's minds are so inflamed against him, that his judges cannot surmount their prejudices.' The honourable gentleman has used some very fine words against the administration, which, were they true, are very strong, but unfortunately there was not the least truth in them."

Sir Hugh Palliser rose immediately after Lord

North, and said, "I did not call the honourable gentleman, Mr. Fox, to order, though he gave me sufficient cause for it; because I would not appear afraid to hear any thing he might say at any time, or in any place, or on any ground he might wish to attack me. I am not surprised at the attack now made upon me. After such harsh reflections and high menaces, as are said to have been uttered, concerning me in this house, whilst I was absent, it was scarcely possible that my enemies should decline all censure of me when present.

"Thus, foreseeing that there would be an attempt to raise a new storm against me on my first re-entrance within these walls, and through me to excite new convulsions in the state, I am come, in some degree, prepared for resistance; and I earnestly entreat the committee to grant me a patient hearing, whilst I offer some observation in behalf of the most injured character in the kingdom. Notwithstanding the extreme violence of the prejudices against me on the acquittal of Admiral Keppel, and the outrages which followed, I never so yielded to the impressions of adversity, as to be without the hope of finally obtaining justice from the voice of my country. It was this hope, with the consciousness of the rectitude of my conduct and intentions, which sustained my spirits throughout the succeeding unequal conflict; these encouraged me to persevere in the vindication of my honour at the imminent risk of seeing that and my life sacrificed to the rage of party. Had I been in the least inclined to waive the contest, my enemies affected to be so merciful as to give me a fair opportunity. They strongly expatiated on the cruelty of permitting a trial which,

as they conceived, even on the supposition of innocence, must from the universality of the prejudices against me, amongst my brother officers, terminate in my conviction and death. They solemnly washed their hands of my blood. They tenderly declared themselves fully satisfied with my present sufferings; nay, to alleviate these, they were so compassionate, that though they proscribed me from the honourable line of my profession, they had no objection to my having an ample pension for my support in retirement. Such was the language of my enemies both in and out of parliament. But I did not hearken to it; I was neither terrified by their menaces, nor soothed by their pretended kindness. The event of my trial confirmed me in the expectation, with which I had before consoled myself. My judges, proving superior to the influence of party, and the dread of unmerited unpopularity, discharged their office with determined impartiality; and the result was a sentence which I shall always think most honourable to me. In the introductory part of it, my judges declared, that 'my conduct and behaviour were, in many respects, highly exemplary and meritorious.' Though too, the court had scrutinized into every part of my conduct, with an almost unexampled strictness, the only omission which could be suggested was, that I did not inform the commander-in-chief of the disabled state of the Formidable. But so far was the court from imputing this to a blameable cause, or from attributing the least ill consequence to it, that they stated it in dubious and reluctant terms, simply pointing it out as a matter of opinion; and having so

done, they concluded with an '*absolute acquittal!*' Indeed, had I conceived that there was a probability of imputing such an omission to me, I should have been more full in my explanation on this head. I did take notice that the signal of distress in fighting instructions was not applicable; and that the condition of the Formidable was so apparent, as to make any information from me unnecessary. I also noticed that I had no frigate by which I could send information; the Milford, which was the only frigate of my division, having been taken from me by Mr. Keppel early in the afternoon. But I might have advanced several steps further, to obviate the idea of omission. Till the Fox reached me between seven and eight at night, Mr. Keppel's own conduct did not leave me the least room to suppose him ignorant of the Formidable's inability to reach my station in the line; for he not only did not make any enforcing signal to signify his expectation of seeing my division in the line, till thirteen minutes after six, when the signal for coming into his wake was hoisted the second time; but also, on putting out the pendants of several ships of my division at half an hour after six, he did not think fit to make my pendant one of the number, whence I concluded that he knew my condition, and therefore did not expect me. In respect to afterwards sending information by the Fox, if I had thought it necessary, I had not the opportunity, the Fox having separated from me before I could finish what I had to say to her captain. What other means I could have devised to send an explanation to Mr. Keppel, time enough to answer any

purpose, I am still to learn. But all this is not of importance to me. The terms in which the omission is stated, with the acquittal which follows, sufficiently protect my character, being repugnant to the most remote idea of criminal imputation.

"Since my trial, I have patiently waited for the subsiding of public prejudices; and so far as regards my exculpation from the charges for my conduct the day of engagement, I have reason to believe that the proceedings on my own trial have opened the eyes of many; who, before they knew what was my defence, had been seduced into an injurious opinion of me; and I trust, that the more the grounds on which my judges acted are examined and understood, the more convincing the proofs of my innocence will appear. But still some unfavourable impressions continue to operate against me, on account of my accusation of Mr. Keppel; and for this I have been blamed, even by some persons of great respect who were far from being indisposed to form an impartial judgment if they were furnished with the necessary materials. In this part of the case my ill fortune exposes me to the most embarrassing disadvantages. On the one hand, there is a sentence acquitting Admiral Keppel, and declaring my charges malicious and ill-founded. But, on the other hand, the manner in which I was urged and driven to become an accuser, and the grounds on which I could have sustained my charges, are not only ill-understood, but in truth have never yet been explained by myself. The proper time for discussing this matter was, when Mr. Keppel was on his trial; but then the opportunity

was denied me. The trial being closed, and a judgment of acquittal irrevocably pronounced, it might seem invidious and unbecoming on my part, to publish to the world, what I should have offered in support of my charges. Such a measure I have therefore declined hitherto, nor will I be ever induced to adopt it, by any thing less than its being authoritatively called for, or the most apparent impossibility of otherwise resisting the attempts to complete my ruin. But then the difficulty is, how to avoid such an extremity, without surrendering myself a quiet victim to the persecuting spirit of my enemies. The leaders of them have been continually loading my name with reproaches, and though some of them, on many accounts, have a title to much respect, yet even these so forgot manliness of character as to assail me with the most embittered eloquence in this house, when it was known that I could not be present to defend myself. Now, too, that I am present, they know the advantage they derive from my being unendowed with qualifications for a popular assembly; and thence they are encouraged to recommence their attacks; though surely they cannot imagine that I shall sit still, without at least endeavouring to give a check to any aspersion aimed at me personally. Under these circumstances, should I continue acquiescing in these public attacks of my character, without any attempt to repel them; more especially at this time, when I am threatened with new efforts to keep me out of the service of my country; I should establish the credit of the misrepresentation, by which I deem myself so highly in-

jured. Some explanation on my part is therefore immediately requisite, to disappoint my enemies of the final accomplishment of their designs.

"It is not, however, my intention to revive the consideration of the past transactions relative to Admiral Keppel and myself, further than he and his friends shall compel me by their hostilities. I am well convinced, not only that very ill consequences have already arisen to the public service from the contest between that gentleman and me; but that new mischiefs will be generated, if the subject is renewed. Under this impression, I think it incumbent on me to make great sacrifices of my own private feelings, rather than administer the least pretence for any further discussion of the grievances of which the honourable admiral and I respectively complain. Therefore, on the present occasion, I shall avoid speaking to many points, in which my character is interested; and I shall keep within much narrower limits, than I should prescribe to myself, if I aimed at the full defence of my conduct towards the honourable admiral who is opposed to me.

"The friends of the honourable admiral, in their invectives against me, seem to place their chief reliance on the sentence pronounced by his court-martial; I mean that part of the sentence which declares my charges '*malicious and ill-founded.*' This is the bitter spring, from which my enemies draw poison to impregnate their licentious declarations.

"If the admiral's friends were content with appealing to this sentence as a testimony of his innocence, I, on my part, for the sake of public tranquillity, would

forbear all complaint and objections. But when the admiral, or his friends, aiming at a further persecution of me, apply that sentence to fix upon me the stigma of being a false and malicious accuser, I cannot acquiesce. The injury is too gross to be patiently submitted to; as such, I feel, and will resist it.

"Sir, I can make many important objections against the proceedings of the honourable admiral's court-martial; and so far as they affect me, I deny their authority. Should my enemies persevere in their threatened motion, to disqualify me from the service of my country, they shall find me ready to lay before this House a full and pointed explanation of all the hardships and irregularities, by which I conceive both the public and myself to be aggrieved; and I will undertake to prove my objections from the trial printed by authority of the court, and the one published by authority of the admiral himself. At present it would be premature to enter minutely into such a discussion, there being no motion before the committee to warrant it. But after having heard the sentence of Mr. Keppel's court-martial, so loudly and indignantly pressed against me, I trust, that the committee will indulge me with some present general observations upon it.

"I might say of the sentence, that the part, which condemns me for malice, was extra-judical, and therefore ought not to affect me; and, legally speaking, I should be justified. The court was not constituted to try me, or my motives. The honourable admiral alone was the subject of their jurisdiction. Whether he was innocent or guilty, was the only inquiry to which the

court was competent; and so the court sometimes told me, when I put questions to the witness that related to my own conduct.

"But for the present I will not further urge the court's incompetence. The complaint, which I shall now enforce is for *their not hearing me.* As prosecutor, I had clearly a right to observe upon the evidence; I had a right to reply to the admiral's defence. To observe upon the evidence and defence, after examining witnesses to support it, is the right of every complainant, either by himself or counsel, in every court. I say this of my own country; but should I extend the assertion to every other country in Europe, I should not run the risk of much contradiction or exception. To hear observations from one party only, is contrary to natural justice, contrary to the practice of all courts I have heard of. That both parties should be heard, is as essential to justice in court-martials, as it is before other judicatures. The maxims of 'Audi alteram partem' is universal; it is the golden rule, for the guidance of all courts. But plain and obvious as this right of being heard is, I was opposed in it by the honourable admiral himself; and it was denied to me by his court-martial. Admiral Keppel objected to my being heard *on the merits in any stage of the trial,* and the court yielded to the objection throughout.

"On the close of the evidence for the prosecution, I offered to address the court, and tendered a paper for that purpose; but the admiral instantly objected to my being heard, explaining himself to mean, that I had no right to make a speech on the merits in any stage of

the case; and the court, without knowing what the paper contained, after some deliberation, resolved not to hear it. I then solicited to know, whether I should be at liberty to address the court on the close of the evidence on each side. The admiral repeated his objections to my being heard on the merits in any stage, and emphatically said, that he *would oppose it to the last minute.* If the court had answered my question negatively, my intention was, to have protested against their proceedings, and declined any further attendance. But I was misled into a belief, that finally I was to be heard; for Admiral Montague, one of the court, declared, that when Admiral's Keppel's witnesses had been examined, *he should be extremely* glad to hear every thing the prosecutor had to say; and this declaration was not contradicted, or in any way disputed, by the rest of the court. The fact, I now state, appears only in the trial published by authority of Mr. Keppel; the words, which passed after the court's resolution not to hear my paper, having been ordered to be *expunged* from the judge-advocate's minutes, though part of the matter expunged had been minuted by the judge-advocate at my particular requisition.

" After the defence, and the examination of the admiral's witnesses, I again pressed the court for a hearing, and claimed a right to reply to the defence, and to observe upon the evidence; giving as an additional reason, that the defence was in great measure a recrimination of me the prosecutor. But I was again interrupted by the admiral, who insisted that it was *un-*

precedented; and I was again refused a hearing by the court, notwithstanding Admiral Montague's promise to hear every thing that I should have to say. Thus the trial closed with a sentence, acquitting the accused, and condemning the accuser, after hearing the former, whenever he thought fit to address the court; but without once hearing the latter, either in support of his charges, or in justification of himself.

" Such are the extraordinary proceedings, on the authority of which I have been continually the subject of popular declamation, both in and out of parliament; such is the sentence, on the basis of which an honourable member of this house has, I am told, pledged himself to impeach one of his Majesty's ministers, and to give the final blow for my destruction.

" But before he becomes an accuser, with such a sentence for his sanction, the honourable gentleman may find it convenient to deliberate on the difficulty of justifying such an irregular proceeding as I have described. If he undertake the task, he will have many strange assertions to make, many embarrassing propositions to maintain; such as I cannot imagine any man, however confident, will presume to offer in this house.

" Will the honourable gentleman say that it is consistent with justice and impartiality to hear one party only?

" Will he assert, that it is consonant to justice to hear every thing from the accused, and at the same time to refuse hearing any thing from the accuser?

" Will he assert that an accuser has no right to be heard on the merits in any stage of a trial?

" Will he deny, that it is the practice of parliament, and of all our courts of justice, to hear accusers and complaints of every kind, by themselves or their counsel, on the merits?

Will he allow, that if this house should impeach any of the king's ministers, it will be justifiable in the House of Lords to refuse a hearing to those appointed to conduct the impeachment? Or, will he say, that they would submit to be restrained to the examination of witnesses only?

" Will he deny, that, since the era of the revolution, the twelve judges of England have subscribed their names to a paper, which solemnly recognises the right of the prosecutor to observe on the evidence, and reply to the defence in treason; or will he deny, that Lord Holt, the then chief justice of England, was one of those judges?

" Will he deny, that the volumes of state trials prove a continual exercise of the same right, in crimes of every class and denomination; in those of the higher order, those of the middle order, and those of the lower one; as well in felonies and misdemeanours, as in treasons?

" Will he deny, that the late lord chief justice of the common pleas, when solicitor-general, exercised this right towards a noble lord* now living; or that the present chief justice of the same court, apologised for not exercising it on the trial of the Duchess of Kingston?

" Will he deny, that in Mr. Horne's case, the present lord chief justice of England recognised the right

* Lord North.

of reply as too clear to hear argument, even though the accused, to avoid a reply, should decline offering a syllable of evidence? or will he deny, that Mr. Horne's defence was replied to by the present lord chancellor, who was then attorney-general?

"Will the honourable gentleman deny, that in all complaints and accusations by individual members of either House of Parliament, it is the constant practice to hear observations from, and to allow the reply to, the complainant; or will he deny, that a late member of this house exercised this right in the last session of parliament, on a very serious charge against a noble lord now near me?*

"Will he deny that the judge-advocate, or any other person prosecuting, has a right to be heard at land courts-martial on the merits, when such prosecutor requires it?

"Will he deny, that the prosecutors, who appear and demand to be heard on the merits, are heard at naval courts-martial and say that it is *unprecedented?*

"Will he deny, that the captains, who accused Admiral Knowles, were heard in observation on the evidence, and in reply to his defence?

"Will he deny that Admiral Knowles was heard in observation on the evidence, and in reply to his defence of his captains on four several trials?

"Can he name one instance of a prosecutor, who was refused to be heard by a naval court-martial, except the instance of myself at the trial of Admiral Keppel; or, if he can find such, will he say, that it is

* Lord North.

conformable to established practice and approved precedents, and ought to be followed ?

" Will he assert, that it is just to condemn any man as a false and malicious accuser, without a trial or hearing of any kind; more especially in a case in which one part of the defence was a recrimination of the accuser?

" Will he deny, that I am entitled to the benefit of that chapter of Magna Charta, which declares, ' *that justice shall be denied to none, that none shall be taken or imprisoned, none shall be outlawed, none shall be banished, none shall be destroyed, unless by the lawful judgment of his peers, or the laws of the land?*'

" Will he say, that *it is not contrary to Magna Charta, contrary to justice, contrary to the law of the land, to condemn, to disqualify, to record me guilty, before I have been tried or heard?*

" Will he say, that it was right in Admiral Montague to promise a hearing to me, and the court to acquiesce in it, and afterwards for the same judges to refuse me a hearing? Or will he undertake to produce one other example of such a conduct from any court of this country on a solemn trial?

" Will the honourable gentleman assert, that if he should be an accuser of any minister, or any man, in this house, it will be justifiable to refuse hearing a speech from him on the merits, in any stage of his accusation; or that he ought not to be heard on close of the evidence for the accused?

" Will the honourable gentleman risk having it recorded in the journals of this house, that, if he should

ever be so unfortunate as to have a charge against him, whether from a malicious accusation or any other matter, it will be just to condemn and punish him without hearing one word from him in his exculpation; without suffering that eloquence, by which he has so often attacked and defended others, to be once exerted in behalf of himself?

"I cannot convince myself, that the honourable gentleman will risk his fame and popularity on such language and doctrine. But though he should be transported by the rage of party, by zeal for the admiral, his friend, by hatred of me, or by any other incentives, as to make such a mockery of truth and justice; or even though his committee of safety should publish to the world their implicit assent to the position, that an Englishman, or any man, may be condemned to utter ruin, without trial or being heard; I trust that they will not have the countenance of this honourable assembly. At least, I trust, that there will not be here found a majority of such determined bigots to the cause of the honourable admiral and the party he is attached to. If, too, the honourable gentleman should thus deeply pledge himself to establish a precedent of injustice, it is not impossible, but that he may live to suffer by his own invention. He is well read in the page of human life; he knows the strange vicissitudes to which it is liable; he is not ignorant, that none are exempt from a portion of its bitterest calumnies; he must feel, that the more elevated the station, the more exposed it is to the rude assault of winds and tempests. Lightning will blast and shiver the proud and lofty palace, whilst the low and humble cottage escapes un-

hurt. Let the honourable gentleman then, for a moment explore the deep abyss of future events; and he will there see, that even *he* may be accused, that even he may be forced before the awful tribunal of justice. But should he be thus arraigned, how can he claim to plead in support of his own innocence; or should he so claim, may not his judge sternly pronounce this severe and tremendous sentence of retribution? 'You are the unjust judge, who condemned your fellow-subject without trial or hearing. He strenuously urged you to listen to his exculpation, before you recorded him guilty; he solemnly warned you against establishing such a precedent of injustice. But your heart was steeled against the tender feelings of humanity. Your ear was deaf to the loud cry of justice; and, under the pretence of public good, you made a sacrifice to an unbridled passion of private resentment. Thus by his fate you promulgated a law for punishing without a trial; a law for your own destruction. The law is most harsh and cruel. But you are its author; you overwhelmed your adversary by enforcing it. Go, thou, and by the same law, perish likewise. This is your sentence. Let it be eternized for the future instruction of mankind. But henceforth let the law be repealed. Your punishment alone will suffice to teach men how to respect the equal course and order of justice.' Should the honourable gentleman defend Mr. Keppel's court-martial for condemning me unheard, is it possible, that he can reflect on the affecting situation I have imagined for him, and not tremble? Or can those rash persons, if such there be, who shall stoop to search for precedents to uphold him in so unjust a conflict, who shall

ransack the annals of injustice to sanctify such doctrines; can they, I say, after this notice, proceed in their office without fear of the consequences?—No; I think it impossible! Let them then retire in time; let them desist from the inglorious pursuit before they are covered with shame and disgrace. Sorry I am, that the occasion should extort from me such strong colouring, such impassioned language. But, the honourable gentleman and his friends are not yet pledged to palliate or defend the condemnation of me without trial or hearing; and I wish, if they will not shrink from the task of being advocate for violated justice, to leave them without the least excuse for such a conduct. I am the more sorry to speak thus strongly, because I feel for the judges of the honourable admiral's court-martial. When they reflect on the serious consequences from the dangerous example of condemning an officer unheard, I am sure, that they will be afflicted at one part of their proceedings. I do not on this occasion allude to their acquittal of the honourable admiral, or to the approbation they have expressed of his conduct; but I mean, that they will lament having refused me a hearing, and yet condemn me for malice. Thus much I say concerning them, lest the gentlemen should suppose that I impute to them, a deliberate and intentional deviation from justice. Great as my sufferings have been from their imputation of malice to me, I really exculpate them in point of intention; and I will do them the justice to believe, not only that the injury I complain of was not wilful, but that they will be most happy to see me fully relieved from its dire effects.

"These observations on the proceedings of Admiral Keppel's court-martial I summit to the committee, very much detract from the weight and authority of their sentence. However, I do not ask to impeach the sentence, considered as an acquittal of the honourable admiral. No, let him enjoy every benefit possible to be derived from an acquittal; let his friends perpetuate the memory of it by illuminations, by triumphal processions, by parliamentary congratulations, by offerings of boxes, by addresses, by statues, by columns and monuments, by incriptions; let his day of acquittal be commemorated as an anniversary. But when the friends of the honourable admiral extend their views still further; when they declaim against me as convicted of a malicious accusation; when mobs are excited to destroy my person and property, to enter forcibly and pull down my dwelling-houses, and to insult my friends and servants; when there are in parliament, persons so lost to all sense of justice as to palliate such outrages and felonies, or rather almost to defend them; when the friends of the admiral, accuse me of criminal disobedience as an officer, and in the same breath use threats to deter me from a trial; when, during the pendency of my trial, they confederate to inflame my judges against me, and so to reach my life; when, notwithstanding my acquittal, they still proclaim me a guilty person; when they justify Mr. Keppel's judges for refusing to hear me, his prosecutor, and for condemning me as such unheard; and when, to complete the measure of injustice, they threaten to make the sentence by a court, which neither would hear nor had power to try me, the ground for record-

ing me as infamous by a vote of parliament; I say, sir, when all those provocations occur, can it be expected, that I should tamely and passively submit myself to the injuries thus heaped upon me, rather than utter any thing to the disparagement of Mr. Keppel's court-martial, or their proceedings? I am zealous for the good of my country, I am as ready to make sacrifices of my own personal convenience to it, as my enemies can be. But I cannot think it either for the honour or advantage of my country, that any officer or man should acquiesce in such treatment. If an inquiry into the justice of the proceedings of Mr. Keppel's court-martial should produce any public mischief; if thereby his acquittal becomes less splendid, less honourable; his friends, who force on the discussion, are responsible both to their country and him; not I, who am ready to bury in oblivion, past injuries, if the honourable admiral's friends shall abstain from new provocations.

"It may perhaps be said in justification of Mr. Keppel's court-martial, that there are instances of sentences by other courts-martial, acquitting the accused, and reprobating the accuser for making the charge. That there are such instances, I readily admit. Nay, though every thing beyond trying the accused is certainly extra-judicial, yet where the accuser has been heard in support of his charge, and fails grossly; or has declined to be heard, and admits that his charges are not proved, it may be excusable, under very aggravated circumstances, to censure the accuser, for the sake of more completely marking the injury done to the honour of the accused. But I call upon Mr. Keppel's friends to

name one example of such a stigma on an accuser, without allowing him to be heard in support of his charge, and defence of himself for making them. Without such a hearing, how is it possible to form an adequate judgment of the conduct of the accused, or of the grounds and motives on which he proceeds? Who can say what new lights may arise, when a great mass of evidence is explained, digested, and commented upon? Besides, as I have already urged to the committee, it cannot be fair and just, to hear the evidence observed upon and applied by one of two contending parties, without allowing the same benefit to the other. If that equal advantage had not been denied to me by the honourable admiral's court-martial, who can pretend to say what would have been the consequence? My defence before the court-martial upon me proves, that the recrimination, on which the honourable admiral rested part of his defence, was capable of being falsified; and though there was not so much evidence to this point before his court-martial as occurred afterwards, yet there was a matter amply sufficient to have evinced my innocence in the most material allegations against me, if I had not been restrained from explaining myself to the court. The evidence of Captain Marshal, commander of the repeating frigate, so warmly and deservedly applauded by Admiral Keppel, with the testimony of the mate and minuting officer of the same frigate, without any thing more, if I had been allowed to make my comments on the signals those three witnesses swore to, would have effectually disproved the chief part of the recriminatory charge in Mr. Keppel's defence. If, too, the court had suffered itself to have been possessed

of the key to so material a part of the case, who can pretend to say, that it would not have caused impressions favourable to me? What might have been the result, it would not become me to give my sentiments, further than saying, that I am confident it would have cleared me from the imputation of malice, even in the minds of those members of that court, who gave their consent to that part of the sentence, which was not unanimous as the acquittal was. I have still too respectable an opinion of the judgment and honour of those gentlemen, to believe that they would have entertained so injurious an opinion, if they had heard me.

" So much I offer to the committee, to protect myself against any argument from that part of the sentence of the honourable admiral's court-martial, which condemns me for malice.

" Now, sir, I beg the indulgence of the committee for a short time longer, in order that I may explain in what light I shall appear before the committee, if the extraordinary and irregular condemnation of me for malice, annexed to the honourable admiral's acquittal, is laid aside.

" If Admiral Keppel's case and mine are compared, independently of the words in the sentence which impute malice to me, the most eloquent of his friends will find it no easy task to discriminate between us, with the least show of advantage to the honourable admiral. We have both been accusers; we have both been accused; we have both been tried; we have both been acquitted. In any one of these points, what can the honourable admiral's friends object to me, without de-

tracting from his fame, from his merits, from his importance, at least in an equal degree?

"They indignantly object as a reproach to me, that my charges were a recrimination. But are there no circumstances under which a recrimination may be justified? Because recrimination is presumptively and at first a ground to suspect, that the accuser is influenced by bad and interested motives; is it, therefore, to be always concluded that a recrimination cannot be true, cannot proceed on just and honourable grounds? If the person accused thinks that the crime or fault imputed to him belongs to his accuser, is it inconsistent with honour to undertake proving it? If, too, the original accuser, preferring a secret, undermining, and indirect attack on his opponent's reputation, declines making his charge in a legal way, and so endeavours to disappoint the man he criminates of a trial; is not such conduct a strong provocative to a well-founded recrimination? Is there no example of such recriminations in the naval service, and have they always been condemned? Did not Admiral Knowles's captains recriminate, on the ground of their conceiving that he had attempted to shift his own faults upon them? Was not the admiral tried and censured on this recrimination? Was not the conduct of his captains much approved of by their brother officers at the time? Will the officers of the navy concur in the opinion, that no provocations, no injuries from their commanders, shall justify a recrimination, however founded in truth? Suppose, however, for a moment, that recrimination is ever wrong; suppose that there was no example of it before, how can the honourable admi-

ral and his friends detest me for recrimination, without condemning him? Are they clear that there has not been as much of recrimination on his part as on mine? Are they certain that he did not recriminate with circumstances far more unfavourable than those which occurred in my case? My accusation of him, was made so as to put him upon his trial; I specified my charges; I risked being a prosecutor; I abstained from being a witness. But the admiral accused me at first in dubious and obscure terms; and, though on his own trial he avowed accusation, he never would consent to bring a charge against me. Thus, when I was tried, he became a witness against me, and delivered his testimony in so narrative a way, and with so much freedom and copiousness of observation, as to discharge the offices both of accuser and witness, and so, in substance, to act in two characters, whilst in point of form and responsibility he appeared only in one.—Which then of the two accusations was the most manly, the most direct, the most open, and most agreeable to law and justice? Which of the two accusations most participated of the quality of recrimination; mine which followed a secret and indirect accusation, or his which followed an avowed and direct one?

"The common notion I am aware is, that I made a charge against the admiral to screen myself from a trial. But nothing can be further from the real fact. Before I made any charge against the admiral I gave him the fullest opportunity of first charging me. Nay, in effect, I publicly called upon him in this house to bring me to a trial; for when he insinuated here, that he was disposed to overlook and hide my faults, I re-

jected the proffered favour as an insult; and I claimed an accusation from him, if he thought me deserving of the least censure; observing that hints and insinuations were worse, and more mischievous than charges. Had the admiral avowed accusation when he was then urged to it, I could have had an immediate trial, without being exposed to the odium of first appearing as an accuser. But the admiral would neither exculpate nor accuse me; knowing that the Admiralty would not grant me a trial without a charge of some kind or other; or that if one had been granted without any charge under these circumstances, it would have been called a sham trial. By this manœuvre I was driven into the fatal alternative, either of becoming an accuser of a man too great to be questioned without the utmost hazard, or of submitting to the injurious imputation of being deemed the cause of our doing so little in the action, when, if there was blame, I thought that it belonged to him. Having made my charges against the admiral in a legal way under this embarrassment, I again evinced my anxiety for a trial on myself. For this purpose I wrote to the Admiralty, and desired that the admiral might be required to make his charge against me, and that I might be put upon my trial immediately after his was over. He was so required; but he still declined a legal accusation. Yet as his defence was a direct recrimination of me, immediately after the sentence acquitting him, I wrote once more to the Admiralty to demand a trial on the ground of the charges appearing against me on the admiral's defence. Upon this, the Admiralty once more called upon Mr. Keppel for an accu-

sation. But notwithstanding this third requisition, founded upon his defence, he still refused to make his charges legally. However, he would not absolutely renounce his right, as I understand the words of his letter, but only disclaimed an intention to charge me; his last letter truly observing, that the law had fixed a period for bringing charges, which in fact was not then elapsed. Thus he made sure of bringing me to a trial in a manner the most advantageous to himself, the most disadvantageous to me. On the one hand, he had every reason to think that when the proceedings of his court-martial were considered by the Admiralty, his recriminating defence would force them to undertake the prosecution of me, instead of being responsible as a prosecutor, and I was sure to be left without any specification of charges. On the other hand, by adverting to the time which the law allows for such accusations, he seemed to reserve to himself a right to prosecute, if, contrary to his expectations, the Admiralty should not direct a trial. Consider these facts, and compare my conduct as an accuser with the admiral's. The result will be, that all the art and policy were on the side of the admiral; all the openness, and, if we judge by events, all the unguardedness, were on mine. But I do not envy the honourable admiral such a superiority. It has been urged against me, that I was too late in my accusation; and that if I had thought the honourable admiral guilty of misconduct, I ought to have avowed my sentiments immediately, and without waiting till he accused me. I answer thus: From the beginning, the conduct of the admiral was not adequate to my expectations. I

thought that the engagement of the 27th of July was injudiciously conducted; that the manner of carrying us into action was disorderly; that there was too much neglect of manœuvres, too much contempt of the enemy, too much confidence at first; and too much awe of the enemy, too much distance from them, too much diffidence of ourselves afterwards. But my friendship and esteem for the admiral, his previous services to his country, his high name in the world; these moved me to a favourable construction; and thus influenced, I imputed the miscarriage of the day to error of judgment, to ill health, to ill advice, to ill fortune, to every thing devoid of that evident and positive criminality, which might force me to undertake the painful office of accusing one whom I then deemed my friend. As there was not room for praise, I did not bestow it; and as I then conceived that the admiral's failures might not be wilful, I both avoided public accusation, and most rigidly abstained from secret detraction. But new lights and new occurrences presented to my mind a very different view of the admiral's conduct. When the discontents increased through the nation, in consequence of the reflection, that a superior fleet of England had, for a time, declined continuing to engage an inferior one of France, and permitted it to return into port in the middle of summer, unpursued; the officers, relations, friends, and dependents of the honourable admiral thought fit to account for so unusual an event at the expense of my reputation; and for that purpose some of them published to the world, that my defaults had prevented a second engagement. Being thus injuriously attacked,

I both personally and by letter solicited the honourable admiral to give a check to such aspersions. But he refused to do this justice to my character, and, on conversing with him and his first captain I found, that they not only countenanced the slanders against me, but added to their number, by refusing to acknowledge, either that on coming out of the action I instantly wore to return to the enemy, or that they had even once seen me on the proper tack for that purpose. This explanation from the honourable admiral and his first captain, excited both astonishment and suspicion. I was amazed at their denial of such incontrovertible facts, and at the admiral's adopting a language so inconsistent with the high commendation of me in his public letter; and I then saw, that there was a plot concerted to destroy my character without a trial, and so to make me chargeable for the admiral's faults. My feelings on the occasion were the stronger, because I was conscious, that the chief part of the battle had fallen to the share of me and my division; that I had set an example of forwardness to pursue our blow, by instantly returning upon the enemy, and continuing to stand towards them again; that though the last out of the engagement, I was advancing to be the first in the renewal of it; and that I should have had that honour, if the admiral had not declined renewing the action, and taken his fleet in a direction from the enemy. Under these circumstances, it was natural that I should scrutinize the admiral's conduct more rigidly, and no longer see it with the partial eyes of a friend, and on such a view of the unhappy miscarriage, I at length imputed to real neglect, what I before had ascribed to

causes which might be pardoned, more especially in consideration of former services, and such as at first did not seem to me to preclude the hopes of better management in case of again meeting the enemy. Indeed, if, in Mr. Keppel's place, there had been a man indifferent to me, one of whom I had not before formed a very high opinion, it is probable, that my mind would have shaped a different course; probably my first judgment of the matter might have been the same harsh one, as is conveyed by the charges against the admiral. But what apology can be made for the lateness of his accusation; he, who had the charge of the fleet, and the command in chief; he, in whom the nation reposed its confidence, not only for the discharge of his own duty, but to see that those under him completely performed what they owed to the state? What apology can he make for first praising me by a public letter, and in equal degree with Sir Robert Harland, and afterwards accusing me for the same affair? Shall he be at liberty to retract his applause, and to substitute accusation for it? Shall he be allowed to say, that his heart dictated censure, whilst his pen wrote praise? And shall mere silence restrain me from accusation, or be imputed to me as insincerity and inconsistency?

"As to the state of the proofs on the two trials, I purposely avoided all comparison; because that would be entering into the merits of them, which I think would, at this time, be improper.

"If the admiral's friends choose to pursue the subject, and to contrast my trial and the terms of my acquittal with his, I do not fear the comparison. His sentence, it is true, is more pompously expressed than

mine; but when the incidents to the two trials are considered, it will be more than a counterbalance for the external brilliancy of his own acquittal. The admiral had every advantage to favour him on his trial. He was aided by the influence of the most extensive family connexions; he was backed by the whole party in opposition to government; the heads of which daily crowded the trial to countenance and protect him. He was not wholly unaided even by some of the professed friends of the administration. His judges throughout refused a hearing to me as prosecutor. Having announced myself an accuser, I, from motives of delicacy, declined to appear as a witness. Before the trial, parliament altered the place of trial in his favour, to accommodate him, without so much as a solicitation of this distinction from himself; and a number of admirals petitioned the king to throw a slur upon the accusation. But I had no such advantages. Instead of them, I had the most trying difficulties to encounter; the prejudice from having been declared, by Mr. Keppel's judges, a malicious accuser; the prejudice from the inflamed and mad state of the multitude through the kingdom; the prejudice from having my accuser a witness; the prejudice from the votes of the two houses of parliament in favour of Mr. Keppel; the prejudice from the continual efforts of the party in opposition to government against me, to deter me from having a trial; the prejudice from the efforts, nay, from the menaces, of the same persons, to aggravate the difficulties of such a disadvantageous trial; whilst, from beginning to end, there was the most apparent passiveness on the part of those in government

and their friends; the prejudice from the want of a specific charge; the prejudice from the threats to my judges if they acquitted, with the prejudice from the applause promised if they condemned. With such advantages on Mr. Keppel's part, acquittal became so easy to him, that, though there had been faults the most censurable, condemnation was barely possible. With such disadvantages on my side, it was even surprising how innocence could escape the fiery trial. Which acquittal was then most honourable, Admiral Keppel's, with every prejudice, every indulgence, every exertion, every advantage for him; or mine, with every prejudice, every obstacle, every hardship, every advantage against me?"

On the first of February, Mr. Fox brought forward his motion on the appointment of Sir Hugh Palliser to the government of Greenwich Hospital, which he considered as an insult to the honour of the navy. He reverted to the sentence which had pronounced the charges false and malicious. He asserted it was no new doctrine for a court-martial to pronounce on the motive of the accuser, justified the act, and said that questioning the propriety of that sentence was arraigning the honour and the justice of the officers who composed Admiral Keppel's court-martial.

Lord North in reply declared that he should not attempt to follow the honourable gentleman over the vast field of matter which he had produced, supporting with a great deal of eloquence as he always did,—and he must give him leave to say, with a great deal of art—the motion which had just been read.

The honourable gentleman had said that Sir Hugh

Palliser's resignation of his places and employment was a tacit admission of his criminality. Does the honourable gentleman mean to say that no man resigns but from a consciousness of criminality? Surely, he will not be the first to lay down that doctrine. He knows that resignation proceeds from different causes. The cause of a resignation may be good, bad, or indifferent. Some men resign their places, for the sake of public quiet; some resign from arithmetical calculation, that it may be better to give up a place of small value now, in order to get a better one at another time. Others again, from motives of political sagacity; they discover a storm approaching, and snuff it gathering in the sky, they see an administration as they think tottering, and leave them in the hopes of coming into high office by joining an opposite party. All these the gentleman well knows are motives of resignation; why then must it follow that the vice-admiral was compelled either by a bad or an indifferent motive to resign? For his part he believed the vice-admiral resigned from a very good motive, in order to restore public peace, in order that the storm, the frenzy, the madness of the times might subside. Had it totally escaped the honourable gentleman's memory that the town was in a tumult for three nights together, illuminated at the command of a mob, and nothing but disorder to be seen in every quarter. His lordship said, that the honourable gentleman had nibbled at the constitution of the second court-martial, but all the honourable gentleman said on that head, and all he had thrown out on many other points was merely with a view to confound and mislead the house.

What further rendered the sentence of that court-martial an honourable acquittal was, that the vice-admiral went down to his trial, when a loud and almost universal clamour prevailed against him; when every means were taken both within doors and without to prejudice him; when gentlemen in that house did all they could to prevent his being tried. But what had been the vice-admiral's conduct? He insisted on a trial; he knew that ruin or honour must be the issue; he stood the danger, and his character is re-established. His lordship concluded by saying, he had not the least fear, but that the naval and military members would do an act of justice, by rescuing an injured and gallant officer from the violent rage of unprecedented persecution, declaring that part of the sentence which pronounced the accusation malicious and unfounded as an extra-judicial opinion; that Vice-admiral Palliser had never been tried on any such charge, that he had been honourably acquitted by the court which tried him, and that he had served his country with undoubted bravery and honour for forty-five years.

Mr. Miller said, "The part of the kingdom he came from regarded Sir Hugh Palliser in a very different light from that in which Mr. Fox had chosen to describe him. The more considerate and candid of his constituents considered the vice-admiral as a gallant officer, persecuted in a cruel manner, and endeavoured to be sacrificed to party connexions, by those who on all occasions stand forward the determined foes of government, and stop short at no means of embarrassing its necessary operations. The honourable gentleman had asserted that the appointment of Sir Hugh Pal-

liser would create ill-blood and dissension in the navy. The appointment had taken place some months, and he had not stated a single instance of its having had that effect."

Commodore Johnson said, "He never would admit the doctrine first thrown out by the honourable gentleman who made the motion, and afterwards adopted by Admiral Lord Howe; 'that it was wrong for an inferior officer to prefer an accusation against his commander-in-chief, and that the practice ought to be reprobated.' If the doctrine was observed, the service would be ruined, and the honour of every officer in the fleet would be at the commander-in-chief's mercy, and there would be an end of all discipline. Who but the officers of a fleet could point out the misconduct of a commander-in-chief. A commander who acted uprightly and conscientiously could have no dread of facing the tribunal of a court-martial. He could not, however, by any means subscribe to the idea that a court-martial appointed to try one man was warranted in censuring another, who had not been heard in his defence; at the same time he was aware that it was sometimes done; he had himself sat upon courts-martial, where it had been attempted, but it had always been censured as unjust and unwarrantable.

"He was far, however, from meaning to approve of the vice-admiral's whole conduct; he thought his military conduct in the highest degree praiseworthy, but his political conduct was the opposite. He could not agree that the 27th of July was a day that gave any glory to this country, just the contrary. It was the most unfortunate day this country ever saw. There

was great blame somewhere, for such a disgraceful event as that a French fleet could engage on a summer's day a British fleet superior in every respect, and get safe back to port. It was scarcely credible, yet it was too true, Great Britain would never have such an opportunity of shaking the marine of France. Where was the blame due? He would say that he thought Admiral Keppel had acted more weakly than wisely, in writing that letter to the Admiralty which had been published in the Gazette, as the contents were not really the import of the admiral's opinion. The service could not exist without discipline, and if Sir Hugh had behaved as ill as the honourable admiral near him at different times declared he had, he ought to have been brought to an immediate court-martial when he landed. Great stress was laid by Mr. Fox upon Sir Hugh Palliser not having preferred his accusation against the commander-in-chief when he first came on shore; but surely the argument pressed as strongly against the commander-in-chief. The commodore said he was far from meaning to defend the political conduct of Sir Hugh Palliser, he thought it extremely reprehensible. But would any one tell him that when he found by the concurring testimony of the witnesses in general the vice-admiral's conduct in the action was so spirited, so gallant, so glorious as it was allowed to be, that he ought to be given up and blasted for ever for a political error? When he looked into these trials and saw how nobly the vice-admiral rushed into action, and received the whole fire of the French fleet, when he viewed him ranging along the enemy's line, bravely backing his topsails that he might continue to fight the

longer, and when he saw that after he had passed the last ship of the enemy, he wore his own ship to renew the action, and torn, shattered, and disabled as he was, like a British bull-dog, turned to have another bout with them; when he looked at this, he admired the bravery of the vice-admiral, honoured his zeal, and thought him entitled to every possible praise. He wished the house to see the whole affair in a candid and impartial light. Did not every man know that what the noble lord (North) observed relative to the temper of the times was strictly just. The popular fury bore down all before it; even that house caught the infection; he wondered not, therefore, at the vote of thanks to the admiral for having preserved the honour of the British flag some months after it was lost. Let the most zealous friend of Admiral Keppel (and no man esteemed and admired him more than he did), look back with a sober retrospect to those times, and ask himself whether the pretended was the real cause of the popular frenzy. Was London illuminated for three nights together on account of the glory of the 27th of July? It was not to the glory gained on the 27th of July that they imputed the illumination of London, neither was it for the admiral having conveyed home mercantile fleets that were in port before he sailed, but the public satisfaction on finding that a brave officer, a skilful commander, and a good-natured honest man had come off with honour after an arduous trial. Let the house remember that the vice-admiral was the darling officer of that brave and popular commander Sir Charles Saunders at the siege of Quebec. Let them look at his actions during the

course of the last war, let them not forget what praise was due to him, and what just expectation might be formed of his future services, from his behaviour in a single memorable instance a few years since. In that case, what had been the vice-admiral's conduct? He came up with two British ships in sight of a French seventy-four. He asked what they slackened sail for? He was answered they were about to hold a council of war in order to determine whether the French ship should be attacked. He instantly replied, 'Do you debate the matter! *I'll fight* the ship,' and he followed this reply with immediately giving chase, and attacking the enemy; the result was he brought the ship back a prize before the council was over. Was an action like this to be passed over in silence, and totally blotted from the memory, because at a subsequent period the same man acts erroneously on shore."

Admiral Keppel said, "The honourable gentleman who spoke last (Commodore Johnson) had been very strong in his expressions of the 27th of July. God knew he liked to hear as little of that day as the honourable gentleman; but, as he felt the satisfaction of having done his duty and being unanimously acquitted by a court-martial, and as he had received the thanks of that house for his conduct, he was indifferent to any oblique reflections, or any direct imputations that might be cast upon him; and though he was proud of enjoying the good opinion of the service, he did not feel himself greatly indebted to the honourable officer who spoke last for his compliments, because in proportion to the praise which the honourable gentleman

had given him on the one hand, he had fully done away with, by the censure which he had levelled at him on the other; the value therefore of his condemnation and applause was pretty equal.

"That the 27th of July was an unfortunate day for England he freely admitted, and as he had said before, he wished as little to hear that day mentioned as the honourable gentleman, at the same time he could not but declare himself much obliged to his honourable relative, Mr. Fox, for having moved the present question."

Sir Hugh Palliser rose, and began with saying, That the last time he had the honour to speak in that house, he was so much indisposed with cold and hoarseness, that he could not finish what he had to say, otherwise he should have taken notice of several things that had dropped from Mr. Fox, who distinguished himself as the leader of the present persecution of him.

On the present occasion so much had been said by several other gentlemen who had already spoken in the debate, and in so much better terms than he was capable of expressing himself, that he would ask the indulgence of the house to hear him only on a few points.

He said that he found he was misunderstood by Mr. Fox in one particular, that of his supposing he meant to attack the sentence of Mr. Keppel's court-martial; in his former speech he had declared he did not wish to impeach that sentence, so far as related to Mr. Keppel's acquittal.

Mr. Fox claimed a right to quote that part of the sentence which condemned the vice-admiral for making

a malicious and groundless charge, as a public record, and under shelter of that description of it, said, his quoting it was not to be considered in a personal light, but as a right he had to quote, in the freedom of debate, a public transaction.

Upon this ground, Sir Hugh said, perhaps he could not properly take it up as personal, but he declared that whenever the honourable gentleman should in future quote that part of the sentence in the partial unjust way he had done, he would always rise and reproach him with want of candour; because, when the honourable gentleman said that sentence declared him convicted, and condemned him for making a false and malicious charge, he ought to add what is also part of the same record; that he was neither upon trial, nor heard either in support of the charges which he had regularly and legally brought before that court, nor in his vindication for bringing them, nor in his own defence on the recriminating charge against him, upon which the person on his trial had partly rested his defence: upon all of which heads he (Sir Hugh) had repeatedly claimed his right to be heard, and was as repeatedly denied it. Hence it was plain the honourable gentleman did not quote that record as he called it, for the purpose of conveying right information of a public transaction to the nation at large, but in effect, by his partial quotation of it, he misled and deceived the nation, and kept up injurious prejudices against him; therefore he would always accuse him with want of candour, and of acting a part unworthy of himself; and the honourable gentleman was more open to this reproach than any member would be who

had not attended the trial, nor carefully perused the minutes of the trial, for such as had not, by being led away by the stream of prejudice raised by noise, clamour, and riot, expressly for the purpose of confounding all truth, and for establishing those prejudices, might not know that he (Sir Hugh) had been refused a hearing upon every point. But the honourable gentleman attended the trial himself, he had heard those denials given to the vice-admiral, he knew the objections to hearing him did not originate with the court but came from Mr. Keppel who was upon trial. He said that in his own mind he was convinced that it never entered into their minds to entertain a doubt about the propriety of hearing him; nay, after Mr. Keppel's objecting to it the first time, the court acquiesced in the declaration of one of its members that finally, after all the evidence was gone through, they would hear him.

Sir Hugh added, though the objection to his being heard on the merits in any stage of the trial, was first made by Mr. Keppel, yet he believed it did not originate with him, for so soon as it was known that Sir Hugh intended to address the court, all Mr. Keppel's friends about him, consisting of many noblemen and gentlemen, leaders in the opposition, assembled about a table in court, and appeared to be in consultation, the issue of which was that Mr. Keppel came forth with his objection in writing, and in the style of a mandate said, he objected to Sir Hugh being heard on the merits of the case in any stage of the trial, so that he (Sir Hugh Palliser) did not lay the injustice wholly at

the door of the court, for he did not think any of the members intended wilfully to do him injustice, but he attributed it to the party who formed the objection, which was undoubtedly made from the apprehension that, if he had been heard, Mr. Keppel would not have been totally acquitted, and a sentence of malice would not have been passed upon him.

He might give the honourable gentleman the same reproach upon his want of candour, in stating the vice-admiral's motives for quitting his employments, and rebuke him as a noble lord rebuked a very respectable admiral the other night for having taken upon him to account for his lordship's motives, without knowing them from himself.

The honourable gentleman had attempted to lead his hearers into the opinion that he did it out of fear of his threats against him in parliament, and from a consciousness of guilt; but he was never more mistaken in his life, than in supposing him afraid of him or his threats, for amongst all his foibles, that of fear did not belong to him,—that fear was a tax which conscience pays to guilt. Let it therefore be applied to those who wantonly calumniate, and blast the characters of others and who are afterwards afraid to stand a full hearing—object to hear the injured party—and do all that in them lies to prevent that injured party from having a fair trial.

He confessed, indeed, that upon one occasion he was afraid. He was afraid of a mad, deluded, furious mob. This mob first forcibly entered his house, and finding him there, destroyed his property, and attempted

to pull down his house, but at the moment of forcing an opening into it, the guard happily came to his relief and saved him from being torn to pieces. *Then* he confessed he was really afraid, was forced to abscond in disguise, and conceal himself in an obscure place, for he durst not show himself in London, much less offer to come into that house.

It was under these circumstances he wrote his letter of resignation. What he did on this occasion was exactly the same as was done by one of the most famous admirals we read of in history, who under the like circumstances of prejudice and outrage, which had risen to a height his friends could not support him against, laid down his commission, declaring he had done it to quiet the people. Afterwards, when those prejudices subsided, he resumed his commission, and rendered more service to his country at sea, than any one man ever did. He spoke of the famous Dutch Admiral, Von Tromp.

His real motives for resigning would best appear from his letter of resignation, written in the obscure place to which he had retired; this would have been written in a better style perhaps, if his mind had been more tranquil at the time, but such as it was, he would read it to the house.

He here appealed to the house, whether this letter betrayed any consciousness of guilt, or fear of the honourable gentleman's, Mr. Fox's, threats in parliament. Occasion had been taken on a former day by the same gentleman, to insinuate to the house, that he had acted in this manner under the influence of some persons who were supposed to be enemies to Admiral Keppel.

He declared he had not taken any steps under the influence or with the advice of any man, that he had acted in all things as he thought consistent with what a military man, and a man of honour ought to do when his reputation is unjustly attacked, that is, he had trusted entirely to the merits of his cause, without applying to any party or set of men, or to any minister for assistance, countenance, or protection.

Nor had he applied to any flag officer to interfere by memorial to the king in a cause depending, nor had solicited any officer in the service to take a part in it, yet, so strong had the seeds of party been sown in the navy, that after Admiral Keppel's trial was over, and after his own trial was ordered, two flag-officers, and some captains became so regardless of even the semblance of decency, that even when they knew they were to be called as witnesses on his trial, they signed an address, intended to be presented to the king, praying that Sir Hugh's flag might be taken from him, and that he might not be allowed the benefit of a trial.

Such was the baneful influence of party, and so much was that party afraid of Sir Hugh's having a fair trial, knowing that at a fair trial, he must be acquitted, and many disagreeable truths would come out, that a sufficient number of officers could not be found to sign the memorial, to countenance the delivery of it, and therefore it was dropped.

A good deal had been said to lessen and depreciate the part he had taken in the action.

He was exceedingly unwilling to say any thing that seemed like sounding his own praise, but he could not

help observing to the house that he had gone singly and alone into the middle of the French fleet, and had fought his way to the end of their line, and had turned again to renew the action. This he had done without, in the smallest degree, suspecting a design to sacrifice him, till it was put into his head by the admiral himself. But after doing his duty in a distinguished manner in action, to be attacked and persecuted as he had been by his chief, and by a confederacy of so many powerful persons, both in and out of the house, was a treatment which no officer in this or any other country had ever met with before; however, he thanked God he hitherto had the fortitude to resist it. He was glad to see Mr. Burke had lately returned to his seat, as he had something to say which he would have been unwilling to mention behind his back. He had been told that on a former occasion, whilst he was overwhelmed with injustice and adversity, the honourable gentleman proposed that an ample pension should be settled on him to enable him to live comfortably in retirement. This, Sir Hugh said, he considered as the most indignant insult which one man could offer to another in his then situation. He considered it as a bribe held out to him to sacrifice his own honour to subscribe to his own guilt, though he knew himself innocent to tempt him to avoid a fair trial, and thereby conceal from the public, truths which they had a right to know. But rather than accept such a proposal he would submit to be reduced to stand at his own gate, and beg from every traveller that passed, unless, indeed, the honourable gentleman who was capable of making so indignant a proposal should pass, for from him he would not even

under the severest extremity of wretchedness deign to receive assistance. Yet he would thank him for one thing he had said, which was, "that if Sir Hugh Palliser was obstinately bent on having a trial, he solemnly washed his hands of the poor gentleman's blood, but he would take care it should not be a sham trial," for this he returned thanks, for he thought it added lustre to his acquittal.

Admiral Keppel had taken occasion to mention Sir Hugh's application to him by letter, and by a personal visit, desiring him to do Sir Hugh justice, to contradict the scandalous reports propagated against him by the admiral's relatives and dependants, and the officers of the Victory.

He had first to observe that the admiral had published that letter partially and not wholly. In his letter he (Sir Hugh) said any thing that might be agreed upon would satisfy him, and indeed any thing that amounted to the admiral's authority to contradict them would have been satisfactory. But he refused it, upon which he spoke, and he was sure the admiral now present would do him the justice to remember it nearly in these words. "Is it possible that you can countenance such injurious reports against me. I never yet knew why the battle was discontinued till it had been decisive; I cannot let the matter stand upon this footing; my reputation is wounded, the nation is dissatisfied, they have a right to know if there was any fault, where it lies."

Mr. Burke went on to an examination of the sentence of the court-martial which tried Admiral Keppel, and endeavoured to prove that the court had not not only acquitted the admiral unanimously, but that

they had also unanimously given it as their opinion that the charge was malicious and ill-founded. Having put his argument with great ingenuity, and reasoned upon it with that eloquence which he was peculiarly gifted with. He indulged rather in a ridiculous than a serious refutation of the arguments that had been used, not only to prove that Vice-admiral Palliser was not declared to have preferred a malicious charge by the unanimous opinion of Admiral Keppel's court-martial, but that Sir Hugh was honourably acquitted by his own.

Lord Frederick Campbell wound up the debate, and said he should be on the side of justice, and should vote for an amendment, because he would never accede to the doctrine that any man in this country, in any court, either in a court-martial or a court of law, could be deemed guilty of any specific crime without a trial or being heard in his own defence. At a quarter after two the amendment was put, and carried by a majority of 214 against 149.

The animosity against Sir Hugh Palliser exhibited in those discussions, drew forth many just and severe animadversions from the public writers of the day. An able pen thus addresses Sir Joseph Mawbey, one of the most intemperate of Palliser's assailants in the House of Commons:

"In reading the account of a late parliamentary altercation in the newspapers, I was much surprised at the expressions which you are said to have used on that occasion, respecting the re-employing Sir Hugh Palliser. Your saying that his name had been of late universally and deservedly detestable was, at best, but

detestable language. Perhaps your party zeal made you forget the dignity of your auditory, as well as the great and universally acknowledged merit of that officer, whose name you were then vilifying. As you are said to have grounded your opinion of Sir Hugh Palliser's criminality on the sentence of Admiral Keppel's court-martial, and on the ineligibility of some of the judges who afterwards sat on Sir Hugh, I shall take the liberty to make a few remarks on each of those heads.

"You are said to have asked the honourable gentleman, Mr. Pulteney, if he had forgotten the sentence of the court-martial which acquitted Admiral Keppel, declaring that a man who had been convicted of preferring a malicious and ill-founded charge against his superior officer, was unworthy of employment. But I insist that Sir Hugh Palliser was not convicted, and that the word malicious in the sentence pronounced by Admiral Keppel's court-martial, was clearly extra-judicial; because it declared a man to be a criminal who had not been tried. The court was constituted to try Admiral Keppel upon certain specific charges; he was the only person then before it as a criminal; and, therefore, he ought to have been the sole object of its sentence. No charge had been properly preferred against Sir Hugh; he had not been put on his defence; nor had any witnesses been examined either for or against him; and, therefore, the court-martial, in passing a sentence of severe censure on Sir Hugh Palliser, acted clearly contrary to every principle of justice and equity. What Sir Hugh Palliser's motives were for preferring charges against his supreme officer, I cannot

precisely say; but I applaud the act, and earnestly wish that no British admiral, under similar circumstances, may ever escape a legal and strict inquiry.

"Fully convinced that the conduct of Sir Hugh Palliser's judges, throughout the whole of his trial, was clearly unexceptionable, I must conclude, that your insinuations against them are ill-founded and illiberal. There was not any attempt made to procure an act to try him on shore, in order to favour the purposes of his friends in attending the trial; nor were the witnesses influenced by the repeated clappings or hissings of unprincipled party men. Every question which could tend to criminate Sir Hugh was put to the witnesses, and, at the same time, ample scope was given him to prove his innocence. None of the witnesses were urged to judge on the facts they had declared upon oath, nor was any attempt made by the judges to collect the opinion of witnesses, for the purpose of framing or justifying their final sentence.

"I beg to leave to ask whether, on a fair inquiry, you think yourself warranted to say, that the conduct of the other court-martial was equally unexceptionable and praiseworthy. I can truly say, I have no intention to arraign the characters of Admiral Keppel's court-martial, either collectively or individually; but I freely own, that some parts of their conduct in the course of that very important trial, excited my abhorrence. With respect to their characters or their persons, I am wholly ignorant, touching their conduct on the trial, I think that I am in some measure qualified to judge.

"When Mr. Pulteney, much to his honour, arraigned

the conduct of ministers in suffering that brave and gallant officer, Sir Hugh Palliser, to be run down and driven from the service; when he defied any man in the house to say, after reading the evidence, that any thing to be found in it amounted to a reasonable pretence why Sir Hugh Palliser should not be employed, or rather why the country, in a difficult crisis, was to lose the services of a brave and gallant officer; and when he hoped that ministers who had acted a cowardly part in suffering him to be run down, and sunk under the weight of popular tumult, would correct their error, and make an injured man some amends, by directly calling him into the public service; you thought proper to oppose him by a patriotic display of party prejudice, consummate ignorance, and egregious invective.

"Without pretending to understand the premises, you implicitly rely on the sentence which Admiral Keppel's court-martial pronounced on the accused and the accuser; and on that illegal, inequitable, and inconclusive part, which, without even the semblance of a trial, conveyed a severe censure on the unknownable motives of Sir Hugh Palliser,—you have ventured to condemn the conduct of that able, brave, and loyal officer. But a seaman proceeds in a different manner; by looking beyond the sentence of the court-martial to those facts upon which it was or ought to have been framed, and by taking a proper survey of the whole evidence, for and against the prosecution, he becomes competent to form a judgment upon the matters in question, and to determine on the propriety or impropriety of your boasted sentence.

"I have taken some pains to investigate all the material transactions of the memorable 27th and 28th days of July, and I am fully convinced that Sir Hugh Palliser fought gallantly and acted judiciously;—that he suffered much from the fire of the enemy, and more through the base designs and mistaken zeal of his fellow-subjects. Sir Hugh has been charged, indeed, with not getting into his station in the line of battle, in the afternoon of the 27th; and with not shifting his flag on board another ship when he found the Formidable unable to yield obedience; and with not making her disabled condition known to his supreme commander. But it clearly appears from the evidence, that the first charge is unjust, the second ridiculous, and the last insignificant. But to be more particular—until the Formidable could set her foretopsail—which was not till about eight o'clock—the great quantity of sail which Admiral Keppel carried, rendered Sir Hugh Palliser utterly incapable of either taking his station in the line of battle, or of keeping it if he had been in it; and had Sir Hugh shifted his flag on board of another ship, because the Formidable could not keep up with the Victory, in running away from the enemy, he would have justly deserved the censure of his sovereign, and the contempt of all his fellow-subjects.

"As Sir Hugh Palliser is known to possess in an eminent degree, all the great qualifications of a naval officer, it must be deemed unfortunate for his country to lose the benefit of them. Upon a minute investigation of the evidence, I firmly believe, that Sir Hugh Palliser did all that an able and a brave subordinate officer could do, on the day of battle; and I am persuaded

that, had he then commanded the fleet, our internal enemies would not have been furnished with an opportunity of illuminating their houses on account of an event that was clearly injurious and disgraceful to their country. Had he been commander-in-chief on the 27th of July, he would not have separated his ships by ordering a partial chase to windward, on the morning of that day. Nor would he have suffered the French to attack his fleet, without its being formed into order of battle;—that he would not have stood to a great distance beyond the rear of the enemy, before he wore to stand toward them again, nor would he have checked the Queen, Hector, Centaur, Exeter, Shrewsbury, Cumberland, and Stirling Castle—when doubling the line upon the enemy under a great deal of sail—by hauling down the signal for battle;—that he would not have embarrassed his disabled ships, and tarnished the honour of the British flag, by hurrying away from the following and inferior foe;—nor would he afterwards have shamefully allowed the natural enemies of his country to depart in peace."*

The active services of Sir Hugh Palliser in his profession, terminated with his appointment to the governorship of Greenwich Hospital; and on the formation of the Rockingham administration, he withdrew altogether from the busy scenes of political strife; passing the remainder of his days in the dignified retirement which his duties at Greenwich permitted him to enjoy. Here, the king,—whose feeling for this persecuted offi-

* The substance of two letters to Sir Joseph Mawbey, Bart., by a Seaman, author of an address to the Honourable Admiral Augustus Keppel, containing remarks on both courts-martial.

cer amounted to strong personal attachment—was his frequent visitor, and accompanied by the queen and other members of the royal family, was on many occasions the honoured recipient of the governor's hospitality. Almost one of his last official duties was the reception, at his house in the hospital, of the unhappy Princess Caroline, when she landed from his Majesty's ship, Juno, on the advent of her regal but ill-omened bridal.

The wounds received by Palliser from the explosion of the arms-chest, when he held command of the Sutherland on the West India station, had, for the last few years of his life, been so intensely painful, that his death, which occurred on the 19th of March, 1796, in the seventy-fourth year of his age, was looked forward to by himself with feelings of happy anticipation, as the only possible release from his protracted sufferings.

The kind hearted upright monarch, whose favour was not easily won or lost, evinced the respect and esteem during the last illness of his favourite officer, which had accompanied and sustained him in that trying period, when through the unrelenting malignity of formidable enemies, a cloud of appalling darkness hung over his reputation and future fortunes; and daily messages of solicitous inquiry were despatched from Windsor to the admiral's residence in the Vache Park, Buckinghamshire, whither he had retired shortly before his dissolution.

It now only remains for his biographer to quote the language of those who, as public writers and private friends, have depicted a character upon which many prominent qualities of moral and intellectual ex-

cellence were stamped. The writer is indebted to living witnesses of the admiral's kindness and benevolence of heart in his social sphere, for the following brief remarks, contained in letters written July, 1843.

"I have a lively recollection of Sir Hugh, who was very kind to me, and would fain have had my father send me to Cambridge, where he offered to do his best to procure me the valuable advantage of a —— studentship. I sat up with Sir Hugh several times during his last illness, and remember only what was most likely to impress my juvenile mind, such as his unceasing consideration and condescension towards me. His case was particular, and my father drew up a statement of it for Mr. Cruikshank, an eminent surgeon of London, who was accustomed to mention it to his pupils, when I afterwards attended his lectures."*

* * * * *

"I well remember Sir Hugh, you know, and have often heard my husband speak of his mild kind manners, and goodness to the poor, and of his having administered the sacrament to him in the presence of his father, Mr. Jones, and Mrs. Walters the night before his death."

The subjoined passage of a letter, from an Irish relative, conveys the testimony of an officer who had ample means of observing the demeanour of the Vice-admiral of the Blue, during the engagement with the enemy on the 27th of July.

* An important nerve was supposed to have been injured which was only partially re-united, and the pain at last became so intense, that a wine glass full of laudanum at a dose failed to procure him any alleviation.

"Rathfarnham, January 10, 1781.

"I am concerned to find that your enemies are still unremitting in their attempts to persecute you, but they are feeble, and are solely meant to disperse the cloud that deservedly hangs over another. Could I have had any doubt of the rectitude of your conduct on the 27th of July, it was wiped away by Colonel Innes, who commanded the marines on board the Formidable that day, whom I had the honour of meeting here, and who says that you were only blameable in exposing your person too much, and doing more than could have been expected from one of your station; and that not a man of your ship conceived that the admiral intended to renew the action that day, after having neglected to do it when the French were in confusion; and he fully confirmed what your witnesses deposed on your trial with respect to the late hour of the delivering of the message by the Fox, which he would have then done if he had been called on."

The private estimate of character expressed in the following letter, corresponds with the language of the author of the "Naval and Military Memoirs of Great Britain," when in his historical capacity, the conduct of Palliser as an officer and a public man has fallen under his notice.

Mr. Beatison to Sir Hugh Palliser.

"Kirkaldy, Fifeshire,
"August 5, 1789.

"Sir,

"I consider myself as extremely unfortunate in having left London before you did me the honour

of calling for me at my booksellers, No. 67, in the Strand. Believe me I should have been proud to have unfolded the plan of my work to you, which I flatter myself will meet your approbation. To have received any information from so experienced an officer as Sir Hugh Palliser, a character I greatly venerate, I should have considered as so great an acquisition to my labours, that I have not words to put a proper value on it: and when you consider how very anxious I am to render my work as complete as possible, I hope you will not deem me too presumptuous, nor intruding too much on your time, when I request you will be so kind as to direct your secretary to transmit me such an account of your long and faithful services, as will suit your leisure to draw up. This, with what other particulars you are pleased to furnish me with, I will esteem the greatest obligation, and whatever conditions you are pleased to annex to this favour, be assured shall be strictly adhered to.

"I have the honour to be, Sir,
"With the greatest respect,
"Your most obedient,
"And very humble servant,
"R. BEATISON."

Charnock says, "An anonymous writer, who certainly was no relative or interested person, from his having much misstated the manner in which he received his fatal hurt, gives the following character of Sir Hugh Palliser. 'As a professional man he was found superior to most of his contemporaries in ma-

ritime skill—judicious in his dispositions, and decisive in their subsequent operations: in private life conciliating in his manners, and unshaken in his friendships.'

"To this character we have briefly to add from ourselves, that however his friends may wish that in some points he had acted differently from what he did, his most violent enemies cannot but confess their own malignity in having endeavoured to attach to him as crimes, things which never existed even in his thoughts, and in having reprobated those very errors which their own conduct fatally gave birth to.

"It is no difficult matter to form a judgment upon facts after they have taken place, and we believe no moderate man will at the present day deny, that if the popular voice had been less clamorous, neither party would have proceeded to the lengths they did, the service would not have been torn into contending factions and parties, and the country would have been materially benefitted. No one can dispute on the one hand but that the vice-admiral had a warm temper, and in too great a degree for a cautious and designing man; on the other hand no one can disbelieve him to have possessed honour, judgment, and intrepidity. For sixteen years of his life he seldom lay down on a bed, from constant pain in his leg, which he bore with the most manly fortitude. He was under the necessity of composing himself in an easy chair, sleeping at intervals, and when awake, he placed the wounded limb on the contrary knee, in which position in rubbing the bone—for it literally was no more—to assuage the

pain, he remained till sleep again insensibly overtook him."*

A nautical writer of considerable ability thus addressed Admiral Pigot, one of the vice-admiral's persevering calumniators.

"If you really intend to bring Sir Hugh Palliser's sentence before the House of Commons, it will be but fair, I presume, to bring Admiral Keppel's there also. But why, sir, bring the sentence of a naval court-martial before the House of Commons? Can the members of that house be supposed capable of deciding on contradictory evidence respecting professional and important points? Or can they be thought qualified to investigate the whole mass of evidence given to the court, with that accuracy which is requisite for determining on the justice of their sentence? Surely the court-martial, in saying that Sir Hugh Palliser's conduct was in many respects highly exemplary and meritorious, did acquit him with great honour. The omission which they mention, whatever weight it might have in point of formality between Sir Hugh, as a subordinate officer, and his commander-in-chief, could nowise operate to the prejudice of the then service; nor does it appear that Admiral Keppel was really ignorant of the disabled state of the Formidable.

"The houses of parliament have already done, sir, what in my opinion requires their serious reconsideration. They voted thanks to Admiral Keppel for

* Charnock's Biographia Navalis, in voce Palliser.

having gloriously upheld the honour of the British flag on the 27th and 28th of July; and they have conferred the same honour on Sir George Bridges Rodney 'for the late signal and important services rendered to his king and country.' But is it possible to reconcile two acts so diametrically opposite in their objects? Admiral Keppel never offered to attack the enemies of his country on the evening of the day referred to, though he had several opportunities for doing it; but Admiral Rodney no sooner saw the common enemy, than he gave chase, and did his utmost to take, sink, burn, and destroy. Admiral Keppel, in good weather, and in the best season of the year for its continuance, with more than sixteen hours' daylight before him, and when more than a hundred miles from the nearest part of the coast, shrunk from the imaginary dangers of a lee shore, and turned his stern to the flying enemy! But the gallant Rodney, in the turbulent month of January, with stormy weather, a high sea, a long winter's night coming on, and in the vicinity of a dangerous lee shore, boldly pushed his fleet between the enemy and that very danger. Admiral Keppel neither took nor destroyed a single ship, nor did he gain so much as the shadow of a victory. But Sir George Rodney, under all the beforementioned dangerous circumstances, took and destroyed seven sail of the line. In short, the two admirals, though their cases are in almost every respect as different from each other as darkness is from light, have received the same honorary reward from the houses of parliament. The brave Rodney will, I pre-

sume, know how to estimate honours so indiscriminately conferred.

"Presuming, sir, that you have read my address to Admiral Keppel and those letters which, in this paper, I lately addressed to the Earl of Sandwich and Sir Joseph Mawbey, I think it unnecessary to say anything at present on the several subjects. If you or any of the admiral's friends think that I have erred in any particular, you will greatly oblige me by immediately entering upon a fair and dispassionate refutation. The part you took in the representation of the twelve admirals, and your subsequent conduct, respecting that great and good officer Sir Hugh Palliser, are not yet forgotten. If you think that you discover error in any part of my publications, your exposing it to public view will be an act of justice; from your rank in the navy I infer your knowledge in the business; and from the active part you have repeatedly taken, I conclude that you want not inclination to support the cause which you have espoused.

"I am, to this hour, an utter stranger to Admiral Keppel, Sir Hugh Palliser, the judges, and the witnesses, therefore hope to be thought free from every personal influence. I can truly say that love to my country, and justice to an injured individual, were the motives which induced me to appear in public; and I rejoice to find, that truth, and a mediocrity of professional knowledge, have enabled me to stem that torrent of sinister design, party prejudice, and popular frenzy, which has been, and will long continue, a disgrace to the kingdom. You will not, I presume, be

surprised at my saying that I cannot, as a well-informed seaman, pay any regard to the sentence of Admiral Keppel's court-martial. To say that the charges preferred by Sir Hugh Palliser were ill-founded, would be to speak contrary to that knowledge which, as a seaman, I have been at some pains to obtain from the evidence; and to join in saying they were malicious, I must give up my understanding as a man. I think Sir Hugh Palliser has, in every part of his conduct, deserved well of his country; and I am sorry to think that he has met with such an unsuitable return. As the ministry certainly acted an unjust as well as a timid part in abandoning him to the merciless rage of an unprincipled party, it is highly incumbent on them to make some reparation, by immediately calling Sir Hugh to the service and confidence of his king and country."*

The same writer addresses the Earl of Sandwich, and says:

"Several months have elapsed, my lord, since I first declared my readiness to enter the lists with any who shall think fit to appear in favour of Admiral Keppel's conduct, or against that of Sir Hugh Palliser: but no one has yet thought proper to accept the challenge. Admiral Keppel and his friends, however willing, are utterly incapable of refuting what I have said on the subject; and that success, which my abilities

* Substance of three letters to Admiral Pigot. By a Seaman. The writer of those letters requested the printer to declare his real name to all who should complain of being aggrieved by what he had said.

could not have commanded, has been fully obtained by the goodness of that cause which I have espoused. That an insignificant seaman should venture to interpose between an incensed multitude, and the innocent object of their rage, may be thought surprising; that success should crown his weak endeavours, in that very important business may be deemed still more surprising, and that, of all those mighty champions who have endeavoured to turn the kingdom upside down, to serve the mischievous purposes of a party, none should oppose him, may be accounted the most surprising of all. But when the transactions of the 27th and 28th of July are viewed in their unfolded state, and the subsequent conduct of the minority leaders is duly considered, all the before-mentioned wonders will dwindle into nothing, when compared with the matchless effrontery of the few, and the astonishing credulity of the many. My lord, many are now ashamed of the late popular delusion; and future generations will read the account of our Keppel-frenzy, with a mixture of wonder and unbelief. That an admiral, who had twice turned his stern to an inferior fleet of the enemy's ships, was honoured with public demonstrations of joy in various parts of the kingdom,—with honorary rewards from several public bodies, and with the almost unanimous thanks of both Houses of Parliament, will hardly be credited by our remote successors; and so far as the account shall gain credit, it must excite their astonishment.

"Some insist that Sir Hugh Palliser was convicted of having preferred an ill-founded and malicious

charge against his superior officer, and that he was sentenced by Admiral Keppel's court-martial; but I beg leave to say, my lord, that Sir Hugh was not convicted; and that the sentence, so far as it respected him, was clearly extra-judicial, if not malicious also. Every part of a legal sentence ought to be founded on legal conviction, and legal conviction can only flow from legal evidence; but no witnesses had been examined either for or against Sir Hugh, therefore he could not possibly be convicted, and as he neither was nor could be legally convicted, no part of the sentence should have any reference to him. To try one man, and to pronounce sentence against another, is certainly a new species of legal process.

"Although I have no particular connection with any man in the administration, yet, as a member of the community, I wish to support its government; and as a seaman, I think it my duty to investigate those naval transactions, in which the welfare of my country is eminently concerned. It being your lordship's province amidst our present intestine divisions, to choose, or recommend proper persons for the command of our fleets, officers of quite opposite political characters, are frequently proposed for your approbation.

"Some, of a certain description, mention Lord Howe and Admiral Keppel as the only naval officers capable of effectually interposing between Great Britain and her numerous enemies; whilst others, of a very different complexion, recommend Sir Hugh Palliser as one who is every way qualified to render essential service to his country. The former two, my lord, have

lately been tried; and their conduct has effectually prevented our boasting of the issue. Both, no doubt, have their friends and advocates; but is there a Briton, uninfluenced by party, who would not rejoice to think that our fleets could now meet those of our enemies on the same terms, respecting force, as they did when the two minority admirals turned their sterns to the inferior and following insulters of our flag. This, my lord, being the true state of the case, it may reasonably be asked, what men would risk the consequences of reintrusting such officers with supreme command.

"Respecting Sir Hugh Palliser, my lord, I beg leave to say, that his naval conduct has been strongly marked with ability, bravery, and integrity. He not only fought gallantly, in passing along the French line on the ever to be lamented 27th of July, but he appeared eager to renew the engagement, until Admiral Keppel, by hauling down the signal for battle, and shortening sail, rendered it necessary to provide for the Formidable's safety, by wearing her again from the advancing enemy, and repairing the damages she had sustained. By the open and spirited reply which you made to the Marquis of Rockingham concerning Sir Hugh Palliser, I am persuaded that your lordship entertains a very high opinion of his ability and honesty as an adviser, and believing that Sir Hugh is not less qualified to execute than to advise, I conclude that his behaviour should he be again called into the service of his king and country, will fully answer your most sanguine expectations.

"Although I think well of Admiral Keppel's former services, I cannot help looking upon their late recognition as being rather ill-timed; and as to his late behaviour, I am persuaded that there is not a member in either house capable of proving any one act on the 27th of July, 1778 'a glorious upholding of the honour of the British flag,' or that any part of his conduct on the succeeding day can possibly be deemed suitable to that parliamentary description. On the 27th Admiral Keppel returned the enemy's fire, when they bore down and attacked him on a contrary tack; but, on the 28th, he certainly avoided all manner of interference with the flying foe.

"To conclude, my lord, I beg leave to repeat, that it is your unquestionable duty to appoint men of known ability, courage, and loyalty, to the command of our fleets, and to bring to trial all such as appear to have acted unworthy of their important trust. The charge of 'driving every officer of reputation out of the service,' frequently urged against you by our internal enemies, ought to be treated with becoming contempt; and that very unwarrantable conduct which appeared before, on, and after Admiral Keppel's trial, should excite to greater and more spirited exertions of national justice. Britain may not always produce twelve admirals capable of attempting to stop the course of justice; our patriots may never again dare to attend a court-martial for the purpose of perverting judgment; nor may our Houses of Parliament think it consistent either with their own honour or with the interest of their country, to vote addresses of thanks to

any admiral who shall appear, in future, to have twice turned his stern to the enemy's ships when he might have engaged them with great advantage.

"Having delivered my sentiments freely respecting those authorities which Admiral Keppel's advocates have recourse to in defence of his late naval conduct, I take the liberty to call on the judges, the witnesses, and all his parliamentary friends to refute, if they can, what I have advanced. Should they all continue silent on the several subjects, it may naturally be concluded, that the badness of their cause has enabled a single individual to prevail against the strange assertions of that numerous and powerful host. Although I believe that I am personally a stranger to all the gentlemen alluded to, several of them have some time ago been made acquainted with my name prefixed to copies of my 'Address to Admiral Keppel,' I hope, my lord, you will do me the justice to believe, that I neither publish my name to serve the purpose of ambition, nor conceal it through any motive of fear. Respecting what I have written, I trust I shall always be ready to give up cheerfully, or to defend strenuously, according to the strict rules of justice, of decency, and of candour."

The opinions of the writer above quoted, who avowedly was no personal friend nor interested panegyrist, were those universally formed of the character of Palliser by his contemporaries, whose judgments were not warped by party prejudice or the base detraction of interested calumniators; and the career of unsullied honour and professional distinction which awarded him the

esteem of all good men, the approbation of his country, and the affection of his prince, afforded him at its close, when bodily anguish could obtain no relief, the inestimable solace of inward satisfaction and mental peace.

THE END.

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